

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #410 B- San Rafael**  
**MEETING – March 27, 2008**

Hearing Officer      Johanna Patri, Senior Planner

Staff Present:        Neal E. Osborne, Planner  
                              Jeremy Tejirian, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:03 A.M.  
Adjourned at 9:34 A.M

**March 27, 2008**

# Marin County Community Development Agency

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Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Silveira/Verizon Wireless  
Application (type and number): Use Permit Renewal (UP 08-8)  
Assessor's Parcel Number: 125-160-20  
Project Location: 8950 Redwood Highway, Novato  
For inquiries, please contact: Neal O. Osborne, Planner  
Decision Date: March 27, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the March 27, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

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Johanna Patri  
Hearing Officer

**C1. USE PERMIT RENEWAL (UP 08-8): SILVEIRA/VERIZON WIRELESS**

Hearing to consider renewal of Use Permit (UP 04-1) approved December 16, 2004 by the Deputy Zoning Administrator to construct a wireless telecommunications facility for Verizon Wireless with four panel antennas, one microwave dish antenna, and a 350 square foot, 10.5-foot tall, equipment building. Two of the panel antennas face south and have 2 Redwood trees planted behind them, and 3 Indian Hawthorne shrubs in front of them, to minimize their visibility from U.S. Highway 101 northbound. These two antennas are each be mounted on a separate 12-foot tall pole within a 4-foot tall barbed wire fenced area to protect them from livestock. The two panel antennas facing north are mounted on 20-foot tall poles adjacent to the equipment building. A six-foot tall chain-link fence topped with three barbed wires surrounds the equipment building, and the two north-facing panel antennas. The equipment building contains electronic telecommunications equipment, air conditioners, and diesel-powered back-up power supply generators. The telecommunications facility is located approximately 100 feet north of U.S. Highway 101, and 750 feet northwest of the Redwood Landfill access driveway on a small knoll northwest of a large oak tree. Access is provided through a 12-foot wide "access route" from the Redwood Landfill driveway and the highway overpass. The subject property is located at **8950 Redwood Highway, Novato**, and is further identified as **Assessor's Parcel 125-160-20**.

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

John Owens, Verizon Wireless, was present and had no questions.

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

The Hearing Officer concurred with staff's analysis and approved the Silveira/Verizon Wireless Use Permit Renewal, based on the Findings and subject to the Conditions in the 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        08-114

A RESOLUTION APPROVING  
THE SILVEIRA/VERIZON WIRELESS INC.  
USE PERMIT RENEWAL

8950 REDWOOD HIGHWAY, NOVATO  
ASSESSOR'S PARCEL 125-160-20

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**SECTION 1: FINDINGS**

- I. WHEREAS John Owens of Peacock Associates, Inc. submitted the Silveira/Verizon Wireless Inc. Use Permit Renewal application to continue the operation of the Verizon Wireless telecommunications facility consisting of four panel antennas, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and a 230 square foot, 10.5-foot tall, equipment building. The project is a proposal to renew Use Permit (UP 04-1) that was approved December 16, 2004 by the Deputy Zoning Administrator to construct the wireless telecommunications facility for Verizon Wireless, Inc. Renewal of the Use Permit was required to evaluate the visual appearance of the facility after completion of the then proposed construction of the Redwood Landfill access road overpass of U.S. Highway 101. Two of the panel antennas face south and have 2 Redwood trees planted behind them, and 3 Indian Hawthorne shrubs in front of them, to minimize their visibility from U.S. Highway 101 northbound. These two antennas are each mounted on a separate 12-foot tall pole within a 4-foot tall barbed wire fenced area to protect them from livestock. The two panel antennas facing north are mounted on 20-foot tall poles adjacent to the equipment building. A six-foot tall chain-link fence topped with three barbed wires surrounds the equipment building, and the two north-facing panel antennas. The equipment building contains electronic telecommunications equipment, and air conditioners. The telecommunications facility is located approximately 100 feet north of U.S. Highway 101, and 750 feet northwest of the Redwood Landfill access road on a small knoll northwest of a large oak tree and boulder. Access is provided through a 12-foot wide "access route" from the Redwood Landfill access road and the highway overpass. The subject property is located at 8950 Redwood Highway, Novato and is further identified as Assessor's Parcel 125-160-20.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 27, 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 pursuant to Section 15303, Class 3 of the CEQA Guidelines because it is the operation of an existing un-staffed telecommunications facility that would not result in any substantial grading, tree removal, visual impacts, or other potentially significant impacts on the environment. Additionally, the applicant has submitted a Radio Frequency Report prepared by Hammett & Edison, Inc. that concludes the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed telecommunications facility pursuant to accepted Federal Communications Commission standards.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the Marin Countywide Plan due to the following factors:

- A. The proposed project is compatible with the Agriculture (AG1) land use designation for the project site and would not interfere with the existing agricultural uses of the property.
  - B. Mandatory Use Permit findings can be made pursuant to Sections 22.08.030, Table 2-1 and 22.48.040 of Marin County Code to allow telecommunications facilities uses necessary for public safety, convenience, and welfare.
  - C. Pursuant to Community Facilities Objective CF-8, the proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan and would ensure that the location and design of the proposed facility is compatible with other land uses, would provide protection from vandalism and fire hazards, would minimize visual impacts, and would minimize potential health risks to people.
  - D. The proposed project would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:
- A. The continued use of the existing telecommunications facility would consist of a 230 square foot equipment building, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and four panel antennas that would be mounted on 12-foot to 20-foot tall support poles. The equipment building, diesel back-up power supply generator, and 20-foot tall antennas would be screened from view by existing trees and rock formations. The 12-foot tall antennas would be painted dark green and screened with proposed trees and shrubs, and the constructed Redwood Landfill overpass. The project would be compatible with the character and use of the subject property. Because the facility is located on a level area behind a knoll and trees on the property, the project would not require substantial grading, tree removal, or otherwise substantially alter the visual character of the site or the use of the subject property. Other telecommunications facilities for AT&T and Cingular Wireless exist approximately 1.5-mile to the southeast of the proposed site that would not be feasible co-location sites because of the Verizon Wireless, Inc. coverage area requirements. The project would be compatible with the surrounding land uses and based on these factors, the facility is consistent with the location standards contained in the TFPP.
  - B. The facility would allow Verizon Wireless, Inc. to provide cellular coverage in the unincorporated area of Novato and would allow Verizon Wireless, Inc. to provide a convenient and reliable source of wireless communications to residents, businesses, and emergency service providers along U.S. Highway 101 in the County.
  - C. The applicant submitted a Radio Frequency Report prepared by Hammett and Edison, Inc., dated February 20, 2004, that concludes the facility would not result in any significant risks with respect to human exposure to radio frequency fields because the antennas, would generate maximum radio frequency levels at the ground that are 52% of the applicable public exposure limit established by American National Standards Institute and the Institute of Electrical and Electronic Engineers, and accepted by the FCC. In conjunction with other existing antennas in the vicinity, the AT&T and Cingular Wireless facilities 1.5-mile southeast, the cumulative radio frequency levels would comply with the FCC standards.
  - D. The antennas are mounted on 12-foot to 20-foot tall support poles. The 10.5-foot tall equipment building and 20-foot tall antennas are screened from view by existing trees and rock formations. The 12-foot tall antennas would be painted dark green and would be

adequately screened with proposed trees, and the approved Redwood Landfill overpass. Security fences would surround the equipment building, diesel back-up power supply generator, and antenna support poles and the building would be located behind large rock outcropping and oak tree. The facility would not be visually prominent because the building and 20-foot tall antennas would be in a saddle area predominately surrounded by hills, rocks, and trees. The Redwood Landfill overpass access road construction was completed in December 2006 and would provides screening from northbound U.S. Highway 101. The facility would visually blend with the surroundings because the antennas would blend into the background of hills and trees and would be painted dark green and other subdued colors that would blend into the surroundings.

- E. The facility would not create lighting impacts on surrounding areas because conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects on adjoining areas.
- F. U.S. Highway 101 and the Redwood Landfill access road provide access to the subject property and no road construction would be necessary.
- G. The project would not require removal of existing vegetation. Existing trees around the facility provide partial screening of the facility from off-site views.
- H. The facility is located in an agricultural area adjacent to the Redwood Landfill that provides an open space that serves as a community separator between Novato and Petaluma. Noise levels associated with the operation of the facility would not exceed the ambient noise levels associated with traffic on the highway, the landfill operation, and farm equipment. With the exception of routine monthly or bi-monthly maintenance visits by a technician, the facility would not generate new substantial traffic trips to the property. Therefore, the proposed facility would not generate significant levels of noise or traffic, and would be consistent with the location standards of the TFPP.

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

**The establishment, maintenance or conducting of the use for which a Use Permit is sought will not in this case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of this use and will not, under the circumstances of the case be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

- A. The telecommunications facility is a permitted use that must be approved in the governing Agricultural District with a Use Permit pursuant to Section 22.08.030, Table 2-1 of the Marin County Code. The telecommunications facility is part of the Verizon Wireless, Inc. network that would provide wireless personal communication services to residents and businesses in Marin County, and could contribute to public safety, convenience, and welfare along the U.S. 101 corridor. The telecommunications facility would occupy a very small portion (less than 400 square feet) of the 62.9-acre property, would be surrounded by security fences, and would not be detrimental to the continued use of the property for agriculture.
- B. The telecommunications facility is consistent with the Countywide Plan and the TFPP (refer to Sections IV and V above).

- C. The telecommunications facility complies with the California Environmental Quality Act (refer to Section III above).
  - D. The design, location, size and operating characteristics of the telecommunications facility is compatible with the existing and future land uses in the vicinity including agriculture, the Redwood Landfill, the Redwood Landfill overpass and access road, and U.S. Highway 101.
  - E. The telecommunications facility does not impair the architectural integrity and character of the Agricultural zoning district because exterior materials would be finished with subdued dark colors to blend into the surrounding landscape of hills, rocks, and trees.
  - F. The granting of the proposed Use Permit Renewal on the subject property would 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 project would not result in any significant public health risks with respect to human exposure to radio frequency radiation because the facility will operate below the exposure limits of the American National Standards Institute and the Institute of Electrical and Electronic Engineers adopted by the Federal Communications Commission
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project, as modified herein, conforms to with the requirements of Design Review pursuant to Section 22.42.060 of the Marin County Code because the facility is located on a saddle area predominately surrounded by hills, rocks, and trees approximately 100 feet north of U.S. Highway 101 adjacent to the Redwood Landfill access road. The project would not result in substantial grading, tree removal or other adverse physical effects on the environment. Although two of the antennas would be visible from off-site locations, the facility would not be visually prominent in relation to the existing hills, rocks, and trees. The construction of the Redwood Landfill overpass, completed in December 2006, provides screening of the two visible antennas. To ensure that the facility visually blends with the surrounding background of hills and trees, the antennas shall be painted a matte non-reflective dark color. Proposed landscaping behind the antennas would further soften the visual appearance of the antennas so they would blend into the surroundings. Overall, the proposed facility would be compatible with existing uses on the property and would not conflict with the visual character of the subject or surrounding properties.

## **SECTION 2: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Silveira/Verizon Wireless, Inc. Use Permit Renewal subject to the conditions as specified below:

### Marin County Community Development Agency - Planning Division

1. Pursuant to Marin County Code Chapter 22.42 and 22.48, this Use Permit Renewal approval permits the continued operation of an existing wireless telecommunications facility for Verizon Wireless, Inc. consisting of four panel antennas, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and a 230 square foot, 10.5-foot tall, equipment building. The approval permits renewal of Use Permit (UP 04-1) that was approved on December 16, 2004 by the Deputy Zoning Administrator to construct a wireless telecommunications facility for Verizon Wireless, Inc. with four panel antennas, and a 230 square foot, 10.5-foot tall, equipment building. Renewal of the Use Permit was required to evaluate the visual appearance of the facility after completion of the construction of the Redwood Landfill bridge overpass of U.S. Highway 101. Three new redwood trees are required behind the two panel antennas that face south to minimize their visual presence as viewed from the highway. These two antennas are each mounted on a separate 12-foot tall pole within a 4-foot tall barbed wire fenced area to protect them from livestock. The two panel antennas facing north are mounted on 20-foot tall poles adjacent to the equipment building. A six-foot tall chain-link fence topped with three barbed wires surrounds the equipment building, and the two north-facing panel antennas. The equipment building contains electronic telecommunications equipment, and air conditioners. The telecommunications facility is located approximately 100 feet north of U.S. Highway 101, and 750 feet northwest of the Redwood Landfill access road on a small knoll northwest of a large oak tree and boulder. Access is provided through a 12-foot wide "access route" from the Redwood Landfill access road and the highway overpass. The subject property is located at 8950 Redwood Highway, Novato and is further identified as Assessor's Parcel 125-160-20.
2. Except as modified by conditions of approval, the project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Verizon Wireless, Novato Narrows, CA-0151", consisting of five sheets prepared by J.E. Schuricht & Associates, Civil Engineering and Land Surveying.
3. BEFORE MAY 30, 2008, the applicant shall plant the three new redwood trees behind the antennas as shown on Exhibit A, and schedule a site inspection with the Community Development Agency Planning Division staff to verify planting of the trees. The required screening landscaping shall be maintained in a healthy condition with proper watering and fertilizer amendments during the entire term of the Use Permit. Replacement trees shall be planted and adaptive management techniques shall be utilized, to improve the health and vigor of the required screening vegetation, if the three redwood trees do not provide adequate visual screening as viewed from U.S. Highway 101.
4. Exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects. No exterior lighting is approved on the antennas as part of this application.
5. All visible components of the facility shall be painted subdued matte-finish colors to match the colors of the existing natural surroundings. The subdued exterior colors shall minimize the visual appearance of the facility and shall blend into the surrounding environment.



6. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunications and maintenance equipment that is audible from nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-reference noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
7. No tree removal or trimming of the tree canopy that provides visual screening of the facility and antennas shall occur unless the Agency Director grants prior authorization.
8. Utility extensions or connections shall be underground.
9. The applicant shall be responsible for ensuring that the number of landscaping and maintenance vehicles is limited to the minimum number necessary to maintain the project.
10. 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.
11. The applicant shall hold harmless the County of Marin or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul, this approval by the County of the Silveira/Verizon Wireless, Inc. Use Permit Renewal.
12. This Use Permit Renewal approval does not preclude the future approval of other telecommunications facilities on the subject property. The applicant shall cooperate with County efforts to utilize the subject property for shared location or co-location in the future if it is technically feasible and would minimize adverse affects related to land use compatibility, visual resources, public safety, and other environmental factors.
13. The electromagnetic frequency radiation (EMF) generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the allowable standards as adopted by the Federal Communications Commission and the County. If nationally accepted research establishes a substantially different standard for human exposure to EMF and such standard is adopted by the County or otherwise determined to be applicable by the County, the applicant shall demonstrate compliance with such standard by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as requested by the applicant and subsequently approved by the Community Development Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with other existing ambient sources.
14. This Use Permit may be revoked by the County should the approved facility, in combination with other existing ambient sources, exceed the updated EMF standard unless the location, design, and/or operation of the approved facility is modified to meet the updated standard. Modifications of the approved facility shall be submitted to the Community Development Agency to determine if amendments to these permit approvals are necessary. If the County is preempted by Federal and/or State law, rules or regulations, from applying an updated EMF standard, this condition shall not apply.

15. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.

### **SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Silveira/Verizon Wireless, Inc. Use Permit Renewal approval by substantially completing all approved work by planting the three required redwood trees and obtaining final inspection approval before May 30, 2008, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Director approves it. Extensions of time may be granted for cause consistent with Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until March 27, 2018, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days before the expiration of the Use Permit. If the Use Permit expires without benefit of a renewal, all equipment, structure, and antennas shall be removed, and the site shall be returned to its pre-existing conditions.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 P.M. on April 10, 2008.

### **SECTION 4: DECISION**

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.

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JOHANNA PATRI, AICP  
DEPUTY ZONING ADMINISTRATOR

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Joyce Evans

# Marin County Community Development Agency

Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Al Vonderwerth  
Application (type and number): Use Permit (UP 08-13)  
Assessor's Parcel Number: 049-093-32  
Project Location: 515 Browning Street, Mill Valley  
For inquiries, please contact: Jeremy Tejirian, Senior Planner  
Decision Date: March 27, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the March 27, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

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Johanna Patri  
Hearing Officer

**C2. USE PERMIT (UP 08-13): AL VONDERWERTH**

Hearing to consider construction of 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**.

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

The applicant was present and had no questions.

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

Berenice Davidson, Department of Public Works, stated that the Department Public Works had granted the waiver that was requested in writing by Mr. Vonderwerth, for the minimum 20-foot driveway length.

The public testimony portion of the hearing was closed.

The Hearing Officer approved the Vonderwerth Use Permit, based on the Findings and subject to the Conditions in the 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 08-115

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

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**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 27<sup>th</sup> day of March, 2008.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary