



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
GREGA & HOPPER USE PERMIT**

Item No:	C1	Application No:	UP 08-18
Applicant:	David Grega	Owner:	David Grega & Richard Hopper
Property Address:	222 Bayview Dr, San Rafael	Assessor's Parcel:	186-072-01
Hearing Date:	May 1, 2008	Planner:	Lorene Jackson

RECOMMENDATION: Approve with Conditions
APPEAL PERIOD: May 15, 2008
LAST DATE FOR ACTION: May 27, 2008

PROJECT DESCRIPTION:

The applicant is requesting a Use Permit to build a 125 square foot home office and 149 square feet of improved storage area under an existing garage. A new 190 square foot deck will be built off the north side of the office, with new wooden stairs from the deck down to grade. Access steps will be built along the garage's east wall from the driveway to the deck. The garage is located 39 feet from the **front** (south) property line along Bayview Drive, 34 feet from the **side (west)** property line, and over 100 feet from the **rear** (north) and east **side** property lines. The garage and office will attain a maximum height of 24 feet above grade on the down slope. A Use Permit is required in order for the structure to exceed the 15 feet height limit.

GENERAL INFORMATION:

Countywide Plan:	SF3 (Single-family Residential, 1 unit per 1 to 5 acre maximum density)
Zoning:	R-1: B-4 (Single-family Residential, 1 acre minimum lot size)
Lot size:	45,900 square feet (1.05 acre)
Adjacent Land Uses:	Single-family Residential
Vegetation:	Native and introduced vegetation
Topography and Slope:	Steeply sloped
Environmental Hazards:	Urban Wildland Interface fire area

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails construction under an existing detached 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 the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. The Community Development Agency has received no adverse comments from the public regarding this project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Marin County Single-family Residential Design Guidelines because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The subject property is located down slope from Bayview Drive in the hillside neighborhood of Bayside Acres, San Rafael. The parcel is currently developed with an existing 2,080 square foot single-family residence and 314 square foot garage, with a low floor area ratio of 4.5%. The proposed project will convert unimproved space below the garage into a small office with low-ceiling storage area. The existing garage has a maximum height of 9.5 feet at the floor level of the parking area. By enclosing the understory of the garage, the maximum height of the garage will become 24 feet as measured from the adjoining down sloping grade. While the new garage and improved storage area are within the existing footprint of the garage, the new deck will extend 4 feet beyond the building.

Although the project will exceed the 15-foot height limit for a detached accessory structure, the converted space under the garage will not be visible from the street or off-site locations. The project will not result in grading or tree removal, and will be architecturally consistent with the existing residence on the parcel and compatible with development on surrounding properties.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Use Permit findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Grega Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Grega Use Permit
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Department of Public Works, Land Use Division Memo, 3/19/08
 7. Marin Municipal Water District Letter, 3/12/08
 8. Nancy Van Gelder Letter, 3/28/08
 9. Alan Schaevitz Letter, 3/27/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-___

A RESOLUTION APPROVING THE GREGA USE PERMIT
222 BAYVIEW DRIVE, SAN RAFAEL
ASSESSOR'S PARCEL 186-072-01

SECTION I: FINDINGS

- I. WHEREAS David Grega has submitted a Use Permit application to build a 125 square foot home office and 149 square feet of improved storage area under an existing garage. A new 190 square foot deck will be built off the north side of the office, with new wooden stairs from the deck down to grade. Access steps will be built on grade along the garage's east wall from the driveway to the deck. The garage is located 39 feet from the **front** (south) property line along Bayview Drive, 34 feet from the **side (west)** property line, and over 100 feet from the **rear** (north) and east **side** property lines. The garage and office will attain a maximum height of 24 feet above grade on the down slope. **The subject property is located at 222 Bayview Drive, San Rafael, and is further identified as Assessor's Parcel 186-072-01.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 1, 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 of the CEQA Guidelines because it entails minor modification to an accessory structure on a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the SF3 (Single-family Residential, one unit per one to five acre density) 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; and
 - E. The project would minimize soil disturbance and maximize the retention of natural vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Use Permit per Section 22.48.040 of the Marin County Development Code can be made as described 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 existing garage is a principally permitted accessory use within the governing R-1:B-4 zoning district. Pursuant to Marin County Development Code Section 22.20.060(F.2), a detached accessory structure in this zoning district may exceed the 15 foot height limit with Use Permit approval, provided the structure does not exceed a 30% maximum floor area ratio (FAR). The project will result in a FAR of 4.8%.

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

Please see Section IV above.

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

Please see 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 will not raise the roofline of the existing garage and will result in a structure of a height, mass, and bulk proportionately appropriate to the site. The project will not substantially enlarge the existing development footprint on the property or exceed the required floor area ratio for the governing zoning district.

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

The exterior walls of the office will match the wood shingles of the existing garage, which is architecturally compatible with the single-family residence on the property and consistent with the residential character of the neighborhood.

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

The proposed project will be required to meet Uniform Building Code standards and, therefore, would be constructed in a manner that would be structurally safe, and would preclude potential injury to improvements on the subject property and neighboring properties. Furthermore, the project will not require any tree removal, nor obstruct any adjacent neighbor's views, air, light, or privacy.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Grega and Hopper Use Permit (UP 08-18) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22.48 (Use Permits) of the Marin County Development Code, the Grega and Hopper Use Permit is approved for the construction of a 125 square foot home office, 149 square feet of improved storage area, and a 190 foot deck under the existing garage. As approved, the structure will attain a maximum height of 24 feet about grade on the down slope. The garage is located 39 feet from the front (south) property line along Bayview Drive, 34 feet from the side (west) property line, and over 100 feet from the rear (north) and east side property lines. Approval includes the construction of wooden stairs from the deck down to grade, access steps at grade along the garage's east wall from the driveway to the deck, and a 28 square foot wooden arbor with lights and concrete stairs between the garage and the house. The subject property is located at 222 Bayview Drive, San Rafael, and is further identified as Assessor's Parcel 186-072-01.
2. Plans submitted for building permits shall substantially conform to plans identified as Exhibit "A"; 222 Bayview Drive, San Rafael, prepared by Douglas Osmont Architect, received February 28, 2008, and on file in the Marin County Community Development Agency, Planning Division.
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 conditions of approval as notes.
4. The exterior building materials and colors shall match those of the existing residence. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
5. All utility connections and extensions serving the project shall be installed underground.
6. 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 Director. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and/or shielded so as not to cast glare on nearby properties.
7. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
8. The applicant shall be responsible for ensuring that all construction vehicles, equipment, and materials are stored on-site and off the street so that pedestrians and vehicles can pass safely at all times.

9. 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.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval, for which action is brought within the applicable statute of limitations.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Use Permit approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before May 1, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Community Development Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050 of the Marin County Code. Upon completion of the requirements to vest this application, the Use Permit shall remain valid in perpetuity as long as all the terms of this permit are maintained.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 15, 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 1st day of May 2008.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary