

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – July 17, 2008**

Hearing Officer      Johanna Patri, AICP  
   Jeremy Tejriran, AICP

Staff Present:            Scott Greeley, Planner and Johanna Patri, Senior Planner  
   Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.  
Adjourned at 9:05 A.M.  
Reconvened at 9:10 A.M.  
Adjourned at 9:25 A.M

**July 17, 2008**

# Marin County Community Development Agency

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Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Raiser Resources LLC

Application (type and number): Coastal Permit (CP 08-47) and Design Review (DM 08-53)

Assessor's Parcel Number: 104-040-30

Project Location: 24800 Highway One, Marshall

For inquiries, please contact: Scott Greeley, Planner

Decision Date: July 17, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the July 17, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-25.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**C1. COASTAL PERMIT (CP 08-47) and DESIGN REVIEW (DM 08-53):  
RAISER RESOURCES LLC**

Hearing requesting approval to consider construction of a new driveway off State Route One. The site is already served by an existing driveway, which is to be closed off with completion of the new driveway. This new driveway will have an expanded line of sight in both directions along State Route One. The new driveway will include retaining walls which, in places, will reach a height of 10 feet. The subject property is located at **24800 Highway One, Marshall**, and is further identified as **Assessor's Parcel 104-040-30**.

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

The public testimony portion of the hearing was opened.

Philip Raiser, President of Raiser Resources LLC, stated he concurred with staff findings and wanted to eliminate the existing driveway. Staff responded that the part of the new driveway that connects to the old will remain.

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's analysis and approved the Raiser Resources LLC Coastal Permit and Design Review, 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 five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-133

A RESOLUTION APPROVING THE RAISER RESOURCES, LLC COASTAL PERMIT AND DESIGN  
REVIEW

24800 HIGHWAY ONE, MARSHALL  
ASSESSOR'S PARCEL 104-040-30

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**SECTION I: FINDINGS**

- I. WHEREAS, Donald Bacon, on behalf of owners Raiser Resources, LLC, is seeking Coastal Permit and Design Review approvals to construct a new driveway off Highway One (i.e. State Route One). The proposed driveway is approximately 459 linear feet and would consist of asphaltic concrete and concrete surfacing. The site is already served by an existing driveway. The new driveway will have an expanded line of sight in both directions along Highway One. The new driveway will include retaining walls which, in places, would reach a height of 10-feet. **The subject property is located at 24800 Highway One, Marshall, and is further identified as Assessor's Parcel 104-040-30.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing July 17, 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 15301, Class 1 of the CEQA Guidelines because it entails the creation of a new driveway to more safely access the property and avoids historic and scenic resources.
- 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 C-AG1 (Coastal, Agricultural and Conservation, 1 unit per 31-60 acres) 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 existing vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.1301 of the Marin County Code) as specified below.

A. Water Supply

The proposed driveway would not need water service or impact the existing water supply to the subject property.

B. Septic System Standards

The proposed driveway would not cross or impact the existing onsite septic system.

C. Grading and Excavation

The project, as conditioned, will keep the grading to the minimum amount necessary to improve both safety and access coming to and from the existing residence on the property.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that portions of the subject property are considered to be in areas of moderate and high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because the proposed driveway does not come across these areas. Moreover, a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

The subject property is not located adjacent to the shoreline and therefore will not affect coastal access.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Marshall community.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any sensitive streams or creeks subject to streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection

The proposed project entails the creation of a driveway and would not disturb natural dunes.

I. Wildlife Habitat

The project entails the creation of a new driveway and would not result in the removal of significant vegetation. The project site is disturbed by existing residential development and there is no evidence that the project would affect wildlife habitats. In addition, a condition of approval will require new native landscaping to screen the new driveway and should, if necessary act as replacement habitat.

J. Protection of Native Plant Communities

Review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the property, does include federally and state listed species along the northern and northwestern portions of the 588-acre property. These species include the Woolly-headed Gilia (*Gilia capitata*, subspecies *Tomentosa*), the Tidewater Goby (*Eucyclogobius Newberryi*), Northwestern Pond Turtle (*Actinemys Marmorata Marmorata*), Dune Gilia (*Gilia capitata* subspecies *Chamissonis*), Yellow Larkspur (*Delphinium Luteum*), and Raiche's Red Ribbons (*Clarkia Concinna*, subspecies *Raichei*). The proposed driveway will come off Highway One from the southern boundary of the property, approximately ½ miles away from the nearest identified species.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

The project site is located within 1-mile of the San Andreas Fault Zone and would be subjected to light to moderate ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects

The proposed project requires an encroachment permit from the California Department of Transportation. It will not affect any existing or proposed local public works project in the area.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The proposed project has been conditioned to utilize materials stone or brick at the entryway and on the retaining wall face which will not appear to contrast strongly with the natural landscape from Highway One. In addition, the project has been conditioned to break up the wall to reduce its height and to utilize landscaping near and along the length of the driveway to minimize any visual impact the driveway and retaining walls might otherwise have from Highway One.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review, based on the following findings:

A. **It is consistent with the countywide plan and any applicable community plan and local coastal program;**

The project proposed driveway and retaining walls are minor and incidental to the existing residence on the property. The residence is consistent with the Agricultural and Conservation 1 policies of the General Plan. Therefore, the project is consistent with this finding.

B. **It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The proposed project is to replace an existing driveway with another, in a location that has an increased line of sight off Highway One. This should fully satisfy the functional requirements to access the property and also increase overall safety. In order to avoid creating an unsightly impact or disharmony with the surrounding community, a condition would require breaking up the proposed retaining walls so that they don't exceed six feet in height, utilizing stone or brick to blend with the natural environment on the wall face and the first 40 feet off Highway One, and installing native landscaping. Therefore, the project is consistent with this finding.

C. **It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project is to replace an existing driveway with another, in a location that has an increased line of sight off Highway One. This should have no impact on further development, use, or the enjoyment of this or any other properties in the area. Therefore, the project would be consistent with this finding.

D. **It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is to replace an existing driveway with another, in a location that has an increased line of sight off Highway One. This should have no impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

**E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

No existing trees have been identified for removal with the proposed project. The proposed route for the new driveway is largely barren ground, grasslands, and local vegetation. Further, staff is recommending in the Conditions of Approval that the applicant plant additional trees and landscaping to help screen the proposed driveway and retaining walls. Therefore, the project would be consistent with this finding.

**F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

1. The scale, mass, height, area and materials of buildings and structures,

The applicant is proposing to construct retaining walls which, in places reach a maximum height of 10 feet. To reduce any potential impact this might have, a condition of approval would require breaking up the walls so that they do not exceed six feet in height, utilizing stone or brick which blend with the natural environment on the wall face, and installing native landscaping.

2. Drainage systems and appurtenant structures,

The project should not result in substantial changes to existing drainage patterns. In addition, the Department of Public Works will review and approve a drainage plan prior to Building Permit issuance.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The proposed project would result in a modest level of ground disturbance, though staff does not feel that it is substantial and the overall increase in safety accessing the site is highly beneficial and is likely in the optimal location for accessing this property from Highway One.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,

The proposed project requires an encroachment permit from the California Department of Transportation.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The proposed project, located on a 588 acres property, is to construct a new driveway and retaining walls, which in some places, reach a maximum height of ten feet. These improvements are at the southern edge of the property extending up 459 linear feet, from Highway One, to a residence. The nearest residences on adjacent properties are several thousand feet from the proposed driveway and retaining walls and there should be no impact to sun and light exposure, views, or privacy.

Therefore, the project would be consistent with this finding.



- G. **It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The applicant is proposing to construct a new driveway and retaining walls to access an existing residence. This finding does not apply to this project.

## **SECTION II: ACTION**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Raiser Resources, LLC Coastal Permit (CP 08-47) and Design Review (DM 08-53) for construction of a new driveway off Highway One (i.e. State Route One). The approved driveway is approximately 459 linear feet and would consist of asphaltic concrete and concrete surfacing. The new driveway will include retaining walls which, shall be revised to not exceed a maximum height of 6 feet. The subject property is located at 24800 Highway One, Marshall, and is further identified as Assessor's Parcel 104-040-33.

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

### **Marin County Community Development Agency, Planning Division**

1. Plans submitted for building permits shall substantially conform to plans identified as "Residential Driveway Improvement Plans for Lands of Raiser Resources, LLC Marshall, California", prepared by CSW ST2: CSW/Stuber-Stroeh Engineering Group, Inc. received April 18, 2008, marked as "Exhibit A.1", consisting of four sheets, and on file in the Marin County Community Development Agency, Planning Division, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval by the Director, stone, brick, or other earth toned material to be used on the face of all retaining walls. The walls shall be designed so that no portion exceeds a maximum height of six feet.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must submit and receive staff approval for a landscaping plan which includes 15 gallon and 24-inch box native tree and vegetation plantings which will run near and along the driveway and the proposed retaining walls.
4. 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide staff with a clearance letter from CALTRANS stating that all requirements have been satisfied.
6. BEFORE FINAL INSPECTION, the applicant shall record a waiver of public liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic or flooding actions. The waiver of public liability shall be submitted to the Community Development Director for review and approval prior to recordation.

7. BEFORE FINAL INSPECTION, the applicant shall provide staff with a letter from MALT which states post-construction erosion control measures as identified on the submitted plans have been adequately implemented.
8. BEFORE FINAL INSPECTION, the applicant shall remove the existing driveway (from State Route One to its connection with the northern driveway) and restore the area to a natural appearance, including reseeding all disturbed areas with a native grass mix.
9. All utility connections and extensions serving the project shall be installed underground.
10. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
11. All construction activities shall comply with the following standards:
  - A. 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 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 or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, and Christmas Day). 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.
  - 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.
12. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
13. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Raiser Resources, LLC Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
14. 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.

Marin County Public Works Department, Land Development Division

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit structural calculations for the retaining wall which will be signed and stamped by the design engineer.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit retaining wall and foundation design criteria provided by the soils engineer.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide and show on the plans a minimum of a 9-inch aggregate base for the driveway, per recommendation by the soils engineer.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify and show on the plans the type of v-ditch to be used.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify the Street address and zip code of Civil Engineer and address the type on Sheet G1: "San Mateo, not San Mateo".

California Department of Transportation (CALTRANS)

20. Driveway access on State Route One (i.e. Highway One) must be constructed per CALTRANS design standards. Upon completion of the new driveway, the existing driveway must be properly closed.
21. Any work or traffic control within the State Right of Way (ROW) requires an encroachment permit that is issued by CALTRANS.
22. If there is an inadvertent archaeological or burial discovery during construction activities, in compliance with CEQQ, PRC 5024.5 and the Department's Standard Environmental Reference (SER) Chapter 2 (at <http://ser.dot.ca.gov>), all construction within 50 feet of the find must cease.

The CALTRANS Cultural Resource Studies office, District 4, must be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.

23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to CALTRANS plans which accurately illustrate the State Route One ROW width along this property which is 60 feet (30 feet from the center line).
24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to CALTRANS corrected plans of the proposed driveway and retaining walls which show the corner sight distances to confirm a clear line of sight in both directions and cross sections of the retaining wall and State Route One showing the minimum and maximum distances from the existing edge of travel way to the face of the wall.

Marin County Community Development Agency, Environmental Health Services

25. Required setbacks from on-site sewage disposal systems shall be maintained. 5 feet (minimum) is required from paved surfaces. 25 feet (minimum) is required from cuts below the septic system.

**SECTION IV: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before July 17, 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 Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on July 24, 2008**.

**SECTION V: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17<sup>th</sup> day of July 2008.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

# Marin County Community Development Agency

Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: William and Susan Stitt

Application (type and number): Coastal Permit (CP 08-6), Second Unit Permit (SU 08-39),  
and Design Review (DR 08-7)

Assessor's Parcel Number: 112-144-28

Project Location: 55 Balmoral Way, Inverness

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: July 17, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the July 17, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-30.

Marin County Community Development Agency

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Jeremy Tejirian, AICP  
Hearing Officer

**H1. COASTAL PERMIT (CP 08-6), SECOND UNIT PERMIT (SU 08-39),  
AND DESIGN REVIEW (DR 08-7: WILLIAM AND SUSAN STITT)**

Hearing requesting approval to construct additions to an existing single family residence measuring 543 square feet, a new, approximately 710 square foot second unit, and a new, approximately 400 square foot garage. First floor improvements will consist of expanding the existing utility area on the first floor and adding a new bathroom and closet adjacent to the utility area. Second floor improvements include an addition to the office on the second story and a large storage closet. The additions would bring the front of the house within approximately 6 feet of the front property line. Also proposed is an approximately 194 square foot solarium that would connect the primary residence and the proposed second unit. Upon completion, the residence would total 2,069 square feet. The second unit will be attached to the western edge of the existing residence and would be located approximately 6 feet from the northerly, front property line and 27 feet from the westerly side property line. The proposed garage would be located approximately 1 foot from the front (northerly) and side (easterly) property lines. The location and size of the garage are extremely limited due to required setbacks from the leach lines and the location of the house and propane tank, and the slope of the lot. Upon completion, development at the project site would total approximately 2,779 square feet and have a floor area ratio (FAR) of 22.3 percent. The subject property is located at **55 Balmoral Way, Inverness**, and is further identified as **Assessor's Parcel 112-144-28**.

The Hearing Officer noted that he had a conversation with the Department of Public Works and will review their comments in this meeting.

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

Berenice Davidson, Department of Public Works, explained that the proposed garage setback does not meet Title 24. She explained that based on conversations with Environmental Health Services, it may be possible to relocate the garage to meet the Department Public Works requirements, however it would require a Variance from Environmental Health Services..

The public testimony portion of the hearing was opened.

Members of the public speaking in favor of the project included:

- Brett Stitt, applicant.

Favorable elements of the project were noted by members of the public, including but not necessarily limited to the following:

- The applicant asked for an explanation of the garage issue;
- The applicant questioned Condition of Approval #1 (c) and asked if it had to change;
- Staff noted that plant recommendations are only recommendations; and
- Flashing and metal work must be non-reflective.

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's analysis and approved the Stitt Coastal Permit, Design Review and Second Unit 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 five (5) working days.

Berenice Davidson, Department of Public Works, suggested that the applicant have his engineer work with her before they modify their plans.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-134

A RESOLUTION CONDITIONALLY APPROVING THE STITT  
COASTAL PERMIT, DESIGN REVIEW, AND SECOND UNIT  
55 BALMORAL WAY, INVERNESS  
ASSESSOR'S PARCEL 112-144-28

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**SECTION I: FINDINGS**

- I. WHEREAS Britt Stitt is requesting Coastal Permit, Design Review, and Second Unit approvals to construct a 710 square foot second dwelling unit, a new carport, and construct minor additions to the existing single family residence on the 12,427-square foot parcel. The proposed second dwelling unit would have a maximum height of 17 feet above grade and would maintain the following setbacks from corresponding property lines: 6 feet from the northerly front property line; and 27 feet from the westerly side property line. The additions to the single family residence would total 543 square feet with an additional 194 square foot solarium and entryway that would connect the main house and second unit. The colors and materials of the second unit would match the existing house. The proposal includes the construction of an additional on-site septic system and leachfield. Parking for the second dwelling unit would be provided by on the driveway, in front of the second unit. **The property is located at 55 Balmoral Way, Inverness, and is further identified as Assessor's Parcel 112-144-28.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on June 12 and July 17, 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 a second dwelling unit and minor additions to the main residence. Construction of the second unit would require minimal grading and tree removal, and result in no potentially significant impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Marin Countywide Plan because it will:
  - A. Comply with the C-SF3 (Coastal, Single-family Residential, one dwelling unit per 1 to 5 acres maximum density) land use designation;
  - B. Provide an additional housing opportunity in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity;
  - C. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - D. Result in development that conforms to the governing standards related to building height, size and location;



- E. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works staff;
  - F. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
  - G. Require minimal soil and natural vegetation disturbance.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Inverness Ridge Communities Plan because it will:
- A. Involve the construction of an attached second unit, minor additions to the main house, and a new carport, which are principally permitted uses under the governing C-RSP-1 zoning district and its proposed use will ultimately add to the housing stock of the Inverness community;
  - B. Not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage;
  - C. Maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works staff;
  - D. Be served by the existing roadway network;
  - E. Not impact any streams or waterways;
  - F. Be served by a new on-site water service and sewage disposal system approved by Marin County Environmental Health Services staff; and
  - G. Not adversely impact the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130I) and finds that this project conforms to the requirements of Local Coastal Program, Unit II, as follows:
- A. Water Supply:

Water would be provided to the property and the proposed second unit by the Inverness Public Utilities District.
  - B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and verified that the proposed septic system will be adequate to serve the modifications for the primary residence and the new second unit.. Revisions to the garage location would require subsequent EHS review.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary for trenching and excavation of the foundation work to accommodate the proposed structures.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, the project site is already developed with a single family residence and carport and the proposed modifications would take place on areas that were previously disturbed. The County's archaeological, historic, or prehistoric resources condition of approval would ensure that should any artifacts be discovered during project activities, the appropriate measures would be implemented to maintain the historical integrity of the resource.

E. Coastal Access:

The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During a field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine

F. Housing:

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

G. Stream Conservation Protection:

The project site is not sited on or near a blue line stream as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat:

The biologist report conducted by Kjeldsen Biological consulting on November 28, 2007 and review of the California Natural Diversity Database (CNDDDB), prepared by the State Department of Fish and Game, indicates that the subject property is a potential habitat area for Northern spotted owl, American badger, Bumblebee scarab beetle, Marin hesperian, California beaked-rush, California black rail, osprey, Point Reyes mountain beaver, and Western snowy plover. The proposed improvements are located within the landscaped portion of the property and adjacent to the existing residence. The vegetation on the property consists of ruderal species associated with routine landscape maintenance. The native trees are residual trees along the edges of the property such as

Tan oak (*Lithocarpus densifolia*), Live Oak (*Quercus agrifolia*), and California Bay (*Umbellularia californica*). The biologist report determined that the subject property does not support any habitat which would support any of the sensitive species and as a result, there is not reason to expect a “take” or impacts on local or regional special status species of the region by the proposed project, either directly or indirectly.

J. Protection of Native Plant Communities:

The CNDDDB identifies the following special status species as being located within close proximity of the project site: Bristle-stalked Sedge, Coast lily, Marin knotweed, Marin Manzanita, Mason’s lilaepsis, Mt. Vision ceanothus, North Coast Phacelia, Point Reyes birds beak, and Swamp harebell. However, as the proposed second unit would only disturb a landscaped areas and the house additions and new carport would be constructed on gravel and disturbed areas, construction of the project will not result in a significant impact to listed plant species.

K. Shoreline Protection:

The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

The project site is located outside the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. Through the building permit plan checking process, Marin County Building Inspection staff will review the plans for conformance with Marin County Building Codes relative to seismic safety factors.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

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

P. Recreation/Visitor Facilities:

The proposed project will not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The project site is located outside of the historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Design Review per Marin County Code, Chapter 22.82I for the following reasons:

- A. The proposed work is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review requirements because the project entails the construction of a 710-square-foot attached second unit that would not exceed 17 feet in height.
- B. The small-scale project will not impact views from neighboring properties.
- C. The project is accessory to the principally permitted residential use authorized by the governing C-RSP-1 zoning district and is appurtenant to the single-family residential use of the subject property.
- D. With respect to design, size, and height, the project will not impact other development in the surrounding neighborhood.
- E. The project, with the exception of the proposed garage, will maintain adequate setbacks from all property lines and other buildings on the property and neighboring properties. The proposed garage setback does not meet DPW code standards and therefore must be relocated or eliminated from the project.
- F. As conditioned, existing and proposed vegetation will adequately screen the structure from off-site locations and will provide privacy to the occupants of the second dwelling unit, as well as surrounding properties.
- G. Construction of the second unit, additions to the primary residence, and carport will require minimal drainage alterations, grading and excavation, and will not result in significantly adverse physical effects on the natural environment.
- H. The design of the detached second unit, additions to the primary residence and garage will be compatible with that of other structures in the neighborhood and will utilize exterior colors and materials consistent with the prevailing community character.

VIII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Second Unit (Chapter 22.32.140 of the Marin County Code).

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

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

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

As proposed, the new attached second unit will conform to the 25-foot height requirements of the C-RSP-1 zoning district. There are no setback requirements within the governing zoning district.

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

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

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

A site visit conducted by staff indicates that the property is currently developed with one principally permitted single-family residence; therefore, the approved second unit will be the only additional dwelling unit on the property.

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

As conditioned to comply with the requirements of EHS, the proposed second unit will have adequate on-site sewage disposal from a proposed septic system.

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

The Inverness Public Utilities District currently provides water service to the primary residence and can extend service to the new second dwelling unit as well.

- 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 subject property is approximately 12,427 square feet; however, the C-RSP-1 zoning district does not require a minimum lot size.

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

The proposed structures will be finished in colors and materials to match the existing residence (natural wood siding and roofing with white trim) that will blend in with the surrounding natural environment.

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

The proposed second unit will be 710 square feet in size. The property is currently developed with a 1,332 square foot residence. The governing zoning district does not establish a floor area ratio (FAR) limitation.

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

One independently accessible parking space will be provided for the second unit in the driveway adjacent to the second unit and primary residence. The parking plan has been reviewed and accepted by the Department of Public Works.

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

The Department of Public Works has reviewed and approved the project plans with conditions, and has determined that access to the site is adequate.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Stitt Coastal Permit, Second Unit Permit, and Design Review pursuant to Chapters 22.56I, 22.82I, and 22.32.140 of the Marin County Code, subject to the following conditions. This approval is for the construction of additions to an existing single family residence measuring 543 square feet, a new, approximately 710 square foot second unit, and a new, approximately 399 square foot garage. The project is located at 55 Balmoral Way, Inverness. The address for the second unit shall be 57 Balmoral Way, Inverness.

### **Marin County Community Development Agency, Planning Division**

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Additions and Alterations to a Residence," consisting of 9 sheets prepared by George Homsey, FAIA, with revisions dated April 7, 2008 and received April 9, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community

Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."

- a. The entry of the solarium shall be amended to eliminate the front door or the plans shall be amended such that the western door of the second unit shall be the main entrance and provide easy access to the designated parking space.
  - b. The site plan shall be amended to show proposed replacement plantings for the tree removal and native bushes such as ceanothus, Pacific wax myrtle, or Manzanita along the western property line, spaced to provide privacy to the second unit and neighboring property. Bushes shall be limited to a length of approximately 20-feet from the northern property line in order to maintain the neighbor's view.
  - c. The location of the proposed garage shall be amended on the site plan to meet DPW code requirements. If the proposed location affects Environmental Health requirements, the design must be consistent with those regulations. Alternatively, the existing carport can remain and one additional parking space can be provided onsite, subject to prior approval from both DPW and EHS.
2. Approved exterior building materials and colors shall substantially conform to the color/materials of the existing single family residence. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
  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. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front yard, the distance of the second unit, solarium, main residence, and garage from the nearest property line at the closest point.
5. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work approved herein, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
6. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
7. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
8. 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.



9. 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.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the second unit, additions to the single family residence and new garage, for which action is brought within the applicable statute of limitations.
11. 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.
12. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the front (northern) property lines based on the approved setbacks as shown on the Building Permit plans.
13. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
15. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS PROJECT, the Community Development Agency shall file this Notice of Decision, including all second unit standards, with the Marin County Recorder's Office. Recordation of the Notice of Decision shall serve to advise future property owners of the standards applicable to maintenance of the second unit.
16. All site development construction practices shall be in accord with the recommended guidelines and inspection schedule contained in the tree assessment, dated March 5, 2008. The applicant shall comply with all recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and

long-term vegetation management to ensure continued viability of the site's native vegetation.

17. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.
18. No additional dwelling units other than the primary dwelling unit and the approved second dwelling unit shall be permitted on the property. A second dwelling unit may be rented, but shall not be sold separately from the primary single-family unit.

### Community Development Agency – Environmental Health Services

19. Project approval is contingent upon approval of the submitted application for a 3-bedroom, class 1 sewage disposal permit.

### Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following requirements:

20. If there are any Alquist–Priolo Zone requirements, the plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
21. The applicant shall provide a driveway from Balmoral Way to the new garage. The right-of-way width of Balmoral Way is 30 feet. The ultimate developed width shall be a minimum of 16 feet per MCC 24.04.260. The driveway from Balmoral Way to the proposed garage shall have a minimum of 20 feet in length from the edge of the ultimate developed width of Balmoral Way per MCC 24.04.250.
22. Show on site plan existing and proposed parking spaces. Per MCC 24.04.330, two on-site parking spaces are required for single family residences plus two on-site guest parking spaces. One additional on-site parking space is required for the proposed second unit. If site constraints preclude meeting this requirement, submit an exception request, per MCC 24.04.330, for consideration.
23. Provide a drainage plan for the project.
24. Show proposed grading for the project.
25. A registered engineer or architect shall design the drainage and grading plans. Plans must have the engineer's or architect's signature and stamp.
26. A separate Building Permit is required for site/driveway retaining walls (if any) with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge).
27. The applicant shall submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

28. The applicant shall provide details on plans depicting that no portion of the new garage, including roof overhang and foundation, extend beyond the property line.

Marin County Fire Department

29. Interior residential fire sprinklers will be required for the second unit per Marin County Code.
30. The Fire Department recommends that the applicant consider the merits of installing interior residential fire sprinklers in the existing house and the addition to the house (this is a recommendation, not a requirement).

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Stitt Coastal Permit (CP 08-6), Design Review (DR 08-7), and Second Unit (SU 08-39) approvals by obtaining a Building Permit for the approved work and substantially completing all approved work by July 17, 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 Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120 and 22.82.130I of the Marin County Code. Failure to comply with the conditions of this approval will result in the invalidation of the approvals.

The Stitt Second Unit Permit shall be valid for the remaining life of the approved structure so long as the applicant or subsequent owners of the subject property comply with the conditions of project approval. In the event that the terms of this Second Unit Permit are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Second Unit Permit could be revoked or suspended in accordance with the terms and provisions of Chapter 22.32.140 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on July 24, 2008.**

**SECTION IV: ACTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17<sup>th</sup> day of July 2008.

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JEREMY TEJIRIAN, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Recording Secretary

**DZA Minutes**  
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