



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR NUTE COASTAL PERMIT AND DESIGN REVIEW

Item No:	C1	Application No:	CP 08-40 DR 08-38
Applicant:	W. Edward Nute	Owner:	W. Edward Nute
Property Address:	545 Vision Road, Inverness	Assessor's Parcel:	109-150-24
Hearing Date:	January 29, 2009	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	February 5, 2009
LAST DATE FOR ACTION:	February 13, 2009

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit and Design Review approval to construct a new 2,896 square foot residence, along with an attached 636 square foot garage. The residence is replacing an existing 2,385 square foot residence. The two-level, 22 foot high residence would maintain the following approximate setbacks: 300 feet from the easterly front property line; 300 feet from the westerly rear property line; 200 feet from the northerly side property line; and 80 feet from the southerly side property line.

GENERAL INFORMATION:

Countywide Plan:	C-SF3 (Coastal, Single Family, 1 dwelling unit per 1-5 acres)
Zoning:	C-RSP-0.33 (Coastal, Residential, Single Family Planned, 1 dwelling unit per 3-acres)
Community Plan Area:	Inverness Ridge
Lot size:	7.08-acres
Adjacent Land Uses:	Rural Residential
Vegetation:	Moderate to heavy concentrations of native trees and vegetation
Topography and Slope:	Gentle to moderately sloping
Environmental Hazards:	Within a ½-mile of the Alquist-Priolo Special Study Zone

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(a) of the CEQA Guidelines because it entails replacement of one residence with another.

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. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Inverness Ridge Communities Plan, the Local Coastal Program, and Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code, 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 resolutions for more information.

PROJECT ANALYSIS:

The owner is proposing to replace an existing residence, built in 1967, with another residence that would be located substantially on the same building footprint. The 7.09-acre property is primarily gentle to moderately sloping, with moderate to heavy overgrowth of native trees and vegetation on the property, particularly along and separating the house from the southeastern side property line. A private driveway runs approximately 300 feet off of Vision Road and connects to the properties of 525 and 545 Vision Road. The existing residence is moderately well screened from Vision Road.

Staff finds that because the proposed residence is setback towards the middle of the property and is well screened by mature, native trees and vegetation, that it would not be considered to be along a visually prominent ridgeline. The proposed residence will occupy largely the same footprint as the existing residence. It should be noted that portions of the onsite screening will need to be thinned and removed to reduce potential fire risk. Staff however finds that, because the proposed residence is less than 25 feet above natural grade, is approximately 80 feet from the southerly side property line, and because a substantial amount of existing and mature native vegetation has been identified to still remain, the proposed residence will not create viewshed issues.

The proposed residence is in keeping with the design, colors, and materials of the 832 square foot guest house/detached master suite on the property which was approved with Coastal Permit 00-29 and Design Review 00-71 on June 8, 2000 by the Deputy Zoning Administrator.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit and Design Review 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 Nute Coastal Permit and Design Review.

- Attachments:**
1. *Proposed Resolution recommending approval of the Nute Coastal Permit and Design Review*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *Project Plans*
 5. *Biological Assessment*
 6. *Exhibit B.1 "Material Selections for Edward Nute Residence", received 2/19/2008*
 7. *Deputy Zoning Administrator Resolution 00-133*
 8. *Marin County Department of Public Works Memo, dated 4/28/08*
 9. *Marin County Environmental Health Services (Water) Memo, dated 3/5/08*
 10. *Marin County Environmental Health Services (Sewage) Memo, dated 3/4/08*
 11. *Inverness Public Utility District Memo, dated 3/14/2008*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-
A RESOLUTION APPROVING THE NUTE COASTAL PERMIT AND DESIGN REVIEW
545 VISION ROAD, INVERNESS
ASSESSOR'S PARCEL 109-150-24

SECTION I: FINDINGS

- I. WHEREAS, W. Edward Nute, is seeking Coastal Permit and Design Review approvals to construct a new 2,896 square foot residence, along with an attached 636 square foot garage. The residence is replacing an existing 2,385 square foot residence. The two-level, 22 foot high residence would maintain the following approximate setbacks: 300 feet from the easterly front property line; 300 feet from the westerly rear property line; 200 feet from the northerly side property line; and 80 feet from the southerly side property line. **The subject property is located at 545 Vision Road at Inverness, and is further identified as Assessor's Parcel 109-150-24.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 29, 2009, 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 replacement of one residence with another.
- 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-SF3 (Coastal, Single Family, 1 unit per 1-5 acres) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);
 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies Environmental Hazards Policies EH-2.1, EH-2.3, EH-3.1, EH-4.1, EH-4.2, EH-4.e, Community Design Policies DES-4.1, DES-4.c, DES-4.d, DES-5.1);
 - D. The project will comply with Marin County development standards related to parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works. (Environmental Quality Policies EQ-2.19, EQ-2.20, Environmental Hazards Policy EH-8.6);

- E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Inverness Public Utility District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. (CWP Policies, Environmental Quality Policy EQ-3.9);
 - F. No wetlands or stream conservation areas will be affected by the project (CWP Policies, Biological Resources BIO-3.1, BIO-4.1);
 - G. The project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1, BIO-2.2);
 - H. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (Energy and Green Building Policies *EN-1.b, EN-1.c, EN-3.a*);
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent Residential Development Design Review Guidelines and Natural Resources policies of the Inverness Ridge Communities Plan for the following reasons:
- A. The project will remove potentially flammable vegetation, but still retain a significant amount of mature, native trees and vegetation.
 - B. The project will utilize colors and materials that is consistent with previously approved designs found on the property.
 - C. The project complies with the residential densities called out for by the Community Plan for the Upper Vision and Kehoe Roads of one dwelling unit per 2 to 3 acres.
 - D. The proposed development protects the views of the area by maintaining valuable screening of the residence from the larger community.
 - E. The proposed project is continuing to utilize the existing driveway and much of the existing residence's site and will not result in an increase in the removal of native vegetation or tree cutting.
- VI. 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 22.56.130I of the Marin County Code) as specified below.
- A. Water Supply

The project has been reviewed and accepted by EHS. Prior to issuance of the building permit, EHS is requesting documentation on the existing water system to ensure copper and lead are not leaching from the existing plumbing system.
 - B. Septic System Standards

The project has been reviewed and accepted by EHS. Prior to building permit issuance, the applicant will need to confirm that the minimum setbacks from the septic system are being met. In addition, a septic evaluation report is required.

C. Grading and Excavation

The project, as designed, will keep grading to the minimum amount necessary.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of low archaeological sensitivity. 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 Inverness community.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to stream protection of the Local Coastal Program.

H. Dune Protection

The proposed project entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint and would not disturb natural dunes.

I. Wildlife Habitat

The subject parcel is located in the rural, northern community of Inverness, which has been identified by federal and state authorities as being home to numerous federal and state listed species. In an effort to address whether the proposed project would impact any species recognized by federal or state agencies, the applicant provided a biological assessment by Daniel Edelstein, a biologist with Edelstein and Associates. Mr. Edelstein addresses "Wildlife Habitats" in Section 4.2 of his report, with additional information on a list of special-status wildlife species that have potential for occurrence on the site in Figure 5 and Appendices C and E of his report. In his conclusion, Mr. Edelstein finds that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. His findings are based on the fact that the proposed residence is largely on the same building footprint as the existing residence.

J. Protection of Native Plant Communities

Based on Mr. Edelstein's biological assessment, it has been determined that potential impacts related to the applicant's proposed design will have less than significant to no

potential impact. His findings are based on the fact that the proposed residence is largely on the same building footprint as the existing residence.

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 outside of the Alquist-Priolo Special Study Zone. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold 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 will not affect any existing or proposed local public works projects 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 setback away from the road and towards the center of the property. The project has also been conditioned to utilize landscaping to screen potential visual impacts. In addition, the height and scale of the proposed residence will comply with the standards of the governing zoning and will be compatible with the surrounding community.

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.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.0401 of the Marin County Zoning Code can be made. The proposed project is 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 proposed project entails the construction of a residence in a planned residential community and is replacing another legally permitted residence on substantially on the same building footprint. As noted above in Section I: Findings, subsection IV, the proposed project complies with the C-SF3 policies of the General Plan and the Inverness Ridge Communities 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 entails the construction of a residence, which is replacing another residence which was built in 1967 and would be located substantially on the same building footprint. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the project has been designed to compliment the design, color and material used for a guest house on the property which was approved by the Deputy Zoning Administrator with Coastal Permit 00-29 and Design Review 00-71 and has also been conditioned to have and maintain landscaping for the purposes of screening the residence from the surrounding area. 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 entails the construction of a residence, which would replace another residence. Since the project would be located substantially on the same building footprint accessed from the same private driveway as the existing residence, with minimal additional site disturbance required, the project 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 entails the construction of a residence, which would replace another residence. Since the project would be located substantially on the same building footprint accessed from the same private driveway as the existing residence, with minimal additional site disturbance required, the project 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. 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 proposed project entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint. The residence has been designed to match a guest house which was approved by the Deputy Zoning Administrator with a Coastal Permit and Design Review design on June 8, 2000, which attains a maximum height of 22 feet on a 7.09-acre lot. The residence is to be situated towards the center of the lot and is several hundred feet from the nearest residence.

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 minimal level of ground disturbance.

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

The proposed project entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint. This should have no impact on pedestrian, animal, or vehicular access.

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 entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint, which will attain a maximum height of 22 feet. The lots in the surrounding community range from approximately 2-acres to over 70-acres. The nearest residences on adjacent properties are several hundred feet from the proposed residence. Existing and proposed landscaping should provide screening of the residence. Therefore 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 proposed project entails the construction of a residence, which is replacing another residence and is located substantially on the same building footprint, in a Residential Planned zoning district. The materials, coloring, and design will match the guest house which was approved by the Deputy Zoning Administrator on June 8, 2000. The project will also be conditioned to meet a "certified" rating or better with the Marin County New Home Green Building Residential Design Guidelines checklist prior to final building permit inspection. Therefore, the project would be consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. The applicant is requesting Coastal Permit and Design Review approval to construct a new 2,896 square foot residence, along with an attached 636 square foot garage. The residence is replacing an existing 2,385 square foot residence. The two-level, 22 foot high residence would maintain the following approximate setbacks: 300 feet from the easterly front property line; 300 feet from the westerly rear property line; 200 feet from the northerly side property line; and 80 feet from the southerly side property line. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A.2," entitled, "Residential Plans for Edward & Marcia Nute," consisting of fifteen sheets prepared by Jennifer Rennick, Architect, dated April 2008 and received April 16, 2008, with revisions with no specified date received June 17, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B.1," received February 19, 2008, and on file with 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 Conditions of Approval as notes.
4. 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.
6. All utility connections and extensions serving the project shall be installed underground.
7. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
8. 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 4th, 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.

9. 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.
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 of the Peterson Coastal Permit and Design Review, 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.

Marin County Public Works Department, Land Development Division

12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall show on the site plan property boundary bearings and distances.
13. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a 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.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge).
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for roof runoff and downspouts. Drainage shall be away from the foundation.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, a note shall be provided on the plans stating the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that the driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Marin County Community Development Agency, Environmental Health Services

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify the location of the septic system on the site plan and meet the requirements for setbacks to the existing septic system.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a current septic evaluation report.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit documentation of the existing water treatment system.

Inverness Public Utility District

22. Per sections 19.04.063 and 19.04.065 of the Marin County Code, interior residential fire sprinklers shall be required in the new residence.

SECTION III: 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 September 11, 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.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. 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 the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

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 February 5, 2009.**

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 29th day of January 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary