



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C2	Application No:	CP 09-20 & DR 09-38
Applicant:	Jon Fernandez	Owner:	Mark and Andrea Riesenfeld
Property Address:	22 Cypress Road, Point Reyes Station	Assessor's Parcel:	119-082-34
Hearing Date:	May 14, 2009	Planner:	Scott Greeley

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>May 21, 2009</b>
<b>LAST DATE FOR ACTION:</b>	<b>May 19, 2009</b>

**PROJECT DESCRIPTION:**

The applicant is requesting Coastal Permit, Design Review, and Second Unit Permit approval to construct a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 20 feet from the easterly side property line.

**GENERAL INFORMATION:**

Countywide Plan:	C-AG3 (Coastal, Agricultural, 1-9 acre minimum lot size)
Zoning:	C-ARP-1 (Coastal, Agriculture-Residential, Planned, 1 dwelling unit/acres)
Community Plan Area:	Point Reyes Station
Lot size:	1-acre
Adjacent Land Uses:	Rural Residential
Vegetation:	Native trees and mixed grasses
Topography and Slope:	Gently sloping
Environmental Hazards:	None

**ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails construction of a second unit which will not result in substantial grading, vegetation removal or other potentially significant impacts to the environment.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. 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 Point Reyes Station Community Plan, the Local Coastal Program, and Titles 22I (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts to the environment or surrounding properties. Please refer to the plan consistency findings contained in the attached resolution for more information.

**PROJECT ANALYSIS:**

The applicant is proposing to construct a 750 square foot detached second unit. The 1-acre property is primarily gently sloping, with native trees and mixed grasses on the property. The applicant has applied for Design Review for the second unit because it is a new structure in a C-ARP- 1 zone, which is a planned zoning district. Coastal Permit approval is required because the project is in the coastal zone. The Second Unit Permit is ministerial and therefore it will be issued subsequent to the approval of the Design Review and Coastal Permit.

The Marin Countywide Plan and the Point Reyes Station Community Plan, as further identified in the attached resolution, both encourage the creation of second units to increase the amount of housing stock in Marin County. The project, as noted in the attached resolution, also complies with the Marin County Code with regards to size (being no greater than 750 square feet), height (15 feet or less), and having the owner of the property also living on the property.

The Department of Public Works, North Marin Water District, Environmental Health Services, Marin County Fire Department, and Point Reyes Station Village Association have reviewed and provided conditions of approval with regards to the full scope of the project, which are identified in the attached resolution.

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 Riesenfeld Coastal Permit and Design Review.

- Attachments:**
1. *Recommended Resolution approving of the Riesenfeld Coastal Permit and Design Review*
  2. *CEQA Exemption*
  3. *Assessor's Parcel Map*
  4. *Project Plans*

5. *Materials and Color Samples*
6. *Marin County Department of Public Works Memo, dated 3/10/09*
7. *North Marin Water District Memo, dated 12/30/09*
8. *Marin County Environmental Health Services (Sewage) Email, received 05/07/09*
9. *Marin County Fire Department Email, received 1/14/09*
10. *Marin County Fire Department Memo, received 5/1/2009*
11. *Point Reyes Station Village Association Memo, dated 1/9/09*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-  
A RESOLUTION APPROVING THE RIESENFELD COASTAL PERMIT AND DESIGN REVIEW  
22 CYPRESS ROAD, POINT REYES STATION  
ASSESSOR'S PARCEL 119-082-34

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**SECTION I: FINDINGS**

- I. WHEREAS, Jon Fernandez, is seeking Coastal Permit and Design Review approvals to construct a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 20 feet from the easterly side property line. **The subject property is located at 22 Cypress Road in Point Reyes Station, and is further identified as Assessor's Parcel 119-082-34.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 14, 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 construction of a second unit which will not result in substantial grading, vegetation removal or other potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
  - A. The project would be consistent with the C-AG3 (Coastal, Agricultural, 1-9 acre minimum lot size) 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 short-term increases in construction-related emissions 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-2.3, EH-3.1, EH-4.1, EH-4.2, Community Design Policies DES-4.1, DES-4.c, 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. (CWP Policies, Biological Policy, BIO-4.20);

- E. The project site is not within a sensitive habitat or is home protected species and will therefore not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1 and BIO-2.1);
  - F. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance. A condition of approval will require the project to meet a “Silver” Green rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
- 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 Point Reyes Station Communities Plan for the following reasons:
- A. The project will increase the amount of affordable housing and is consistent with the community plan’s encouragement of second units (PRSCP Policies PA-3.6 and RL-2.1).
  - B. The scale and design of the project is compatible with other structures found in the community (PRSCP Policy PA-3.7).
  - C. The project is consistent with new residential development criteria outlined in the community plan, including but not limited to minimizing disturbance of the natural environment and building heights (PRSCP Policies RL-3.1, RL-3.2a, RL-3.2b, RL-3.2c, RL-3.2d, RL-3.3b, and RL-3.4a).
- 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 the North Marin Water District. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by the Environmental Health Services Division. Prior to building permit issuance, the applicant will need to install low flow plumbing fixtures in the existing residence as well as in the second unit. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project, as designed, is located on a very light slope and will keep grading to a minimum. Therefore, the project is consistent with this finding.

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 high 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. Therefore, the project is consistent with this finding.

E. Coastal Access

The subject property is not located adjacent to the shoreline and therefore will not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will actually increase the availability of housing stock within the Point Reyes Station community. Therefore, the project is consistent with this finding.

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. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project entails the construction of a second unit in Point Reyes Station and would not disturb natural dunes because it is not adjacent to the shoreline. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the community of Point Reyes Station, which has been identified by federal and state authorities as being home to several federal and state listed species including the Great Blue Heron, and the Great Egret. The Great Blue Heron was not seen on site. In addition, typically the Great Blue Heron nests around marine habitats and this site is further in-land. The Great Egret was not seen on-site. Additionally, the Great Egret nests in wetland areas and over water which are not present on the site. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database, this region of Point Reyes Station is potentially suitable habitat for the Marsh microseris, a perennial flowering herb. Marsh microseris is known to exist in vernal moist to saturated sites in coastal terrace prairies or along the coast. Marsh microseris was not found on the site, nor are site conditions appropriate for its presence. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is outside of the LCP Unit I Geologic Hazards Maps and the finding is therefore not applicable.

M. Public Works Projects

The proposed project has not been identified by the Department of Public Works or by any other agency as having an affect on any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The 750 square foot proposed second unit would be located in a rural community in a 1-acre minimum density zoning district and is located towards the rear of the property and will not be highly visible from the road. In addition, the height and scale of the proposed second unit will comply with the standards of the governing zoning and will be compatible with the surrounding community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project is on a flag lot and located in a rural area, which is accessed off of a long private driveway coming off of Cypress Road in Point Reyes Station. The project will not have any impact upon recreation or visitor facilities. Therefore, the project is consistent with this finding.

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. Therefore, the project is consistent with this finding.

VII. 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 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 second unit in a planned residential community. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-AG3 policies of the General Plan and the Point Reyes Station Community 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 750 square foot second. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the second unit has been designed to utilize colors and materials found in the environment. In addition, the Point Reyes Station Village Association has found that

the project complies with the policies of the community plan. 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 750 square foot second unit on a 1-acre lot. Due to its scale, location, and minimal amount of necessary grading, the project would 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 project is located towards the rear of a flag-shaped lot over 150 feet from the road. The project would 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 second unit would be located towards the rear of a flag-shaped lot and would comply with the development standards for second units.

2. Drainage systems and appurtenant structures,

The project would not result in substantial changes to existing drainage patterns because it will require minimal grading and not result in a significant amount of new impervious surfaces. 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 because the site is relatively flat.

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 750 square foot second and is located towards the rear of a flag-shaped lot. Therefore, it would 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 second unit would attain a maximum height of 15 feet and be located towards the rear of a flag-shaped lot. The nearest residence on adjacent properties is approximately 150 feet from the proposed second unit. Therefore, there would 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 materials, coloring, and design will compliment the development which is already found in the environment and surrounding community. The project will also be conditioned to meet a "Silver" 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. This Coastal Permit and Design Review approval shall permit the construction of a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 20 feet from the easterly side property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Second Dwelling Unit for Mark and Andrea Riesenfeld 22 Cypress Road, Point Reyes Station, California 94956," consisting of five sheets prepared by Fernandez/2 Partnership, dated February 25, 2009 and received February 26, 2009 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials samples board which is identified as "Exhibit B," received December 16, 2008, and on file with the Marin County Community Development Agency.
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. All utility connections and extensions serving the project shall be installed underground.

6. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
7. 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.
8. 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.
9. 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 "Silver" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
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 provide a note on the plans that 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. Driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project which shall include the following information:
  - a. All drainage generated within the property boundaries shall remain and be treated within the property boundaries [CBC 2007].
  - b. Provide drainage away from the foundation a minimum of 5% slope for 10-feet [CBC 2007].
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide turnaround analysis showing how all vehicles can attain the desired direction in no more than one turning movement from the resident, guest and second unit parking spaces. Note that the two guest spaces may be in tandem of two main resident spaces, but the two guest spaces shall be independently accessible to each other and the two main resident spaces shall be independently accessible to each other. The second unit space shall remain independently accessible at all times.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide information on how the driveway fire truck turnaround meets MCC §24.04.150. Note that maximum slope shall not exceed 8%. The fire truck turnaround shall not be used as parking.
17. Turnouts shall be required on driveways over 150-feet in length or if sight distance problems exist unless the driveway is at least 16-feet in width [MCC § 24.04.275]. The turnouts shall be no less than 18-feet wide (full driveway width) and 60-feet long including transition.
18. If the driveway is re-graded/re-surfaced, note that all driveway approaches in rural areas shall be paved with asphalt to the property line or for a distance of 30-feet, whichever is greater [MCC §24.04.290]. If not change is planned, the existing asphalt approach meets this requirement.
19. An encroachment permit shall be required for work within the road right-of-way of Cypress Road.
20. Provide utility hookup locations for the second unit. The second unit utilities shall be independent of the main dwelling.

Marin County Community Development Agency, Environmental Health Services

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install low flow plumbing fixtures in the existing residence as well as the new second unit.

Marin County Fire Department

22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a Vegetation Management Plan to the Marin County Fire Department for review and approval. A copy of said Vegetation Management Plan shall be submitted to the Community Development Agency. All efforts to protect mature native landscaping shall be made.

23. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Marin County Fire Department that all requirements have been met.

North Marin Water District

24. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the North Marin Water District.

**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 May 14, 2011, 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 May 21, 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 14<sup>th</sup> day of May 2009.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary