



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	H.1	Application No:	CP 09-38/DM 09-62
Applicant:	Onju Updegrave	Owners:	Paul Benson and Kathleen Walsh
Property Address:	379 Drakes View Road, Inverness	Assessor's Parcel:	114-120-17
Hearing Date:	July 16, 2009	Planner:	Kristina Tierney, Planner

RECOMMENDATION: Approve with Conditions
LAST DATE FOR APPEAL: July 23, 2009
LAST DATE FOR ACTION: August 22, 2009

PROJECT DESCRIPTION

The applicant is requesting a Coastal Permit and Minor Design Review in order to: 1) construct a 565 square foot guest house and attached 479 square foot garage; 2) remodel the existing 2,134 square foot residence; 3) construct a 301 square foot addition to the existing residence; 4) construct a covered walkway connecting the primary residence and new garage; and 5) install a roof mounted solar array on the new walkway. The proposed guest house would be 13.5 feet tall and the walkway would be 12.5 feet tall. Additions to the primary residence would not exceed the existing height of 24 feet 3 inches. The new guest house and garage would maintain the following setbacks: 27 feet, 5 inches from the front (north) property line; 158 feet from the rear (south) property line; and 7 feet from the side (west) property line.

GENERAL INFORMATION

Countywide Plan: C-SF3 (Coastal, Single Family, 1 unit/1-5 acres)
 Zoning: C-RSP-0.25 (Coastal, Residential Multi-family Planned, 1 unit/4 acres)
 Lot size: 1.03 acres
 Adjacent Land Uses: Open Space, Single-family residential
 Vegetation: non-native landscaping and pine trees
 Topography and Slope: Flat to moderately sloping
 Environmental Hazards: None identified

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 the construction of accessory structures, including a garage and guest house.

PUBLIC NOTICE AND COMMENTS

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Comments were received about the originally proposed second unit. The second unit application has been withdrawn as second units are not allowed in Paradise Ranch.

PLAN CONSISTENCY

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Local Coastal Program, Unit II because it involves minor additions to a single-family residence and the construction of a new garage and guest house.

PROJECT ANALYSIS

The proposed project would entail minor additions to an existing single family residence and the construction of a new detached accessory structure containing a guest house and garage, and a covered walkway connecting the detached accessory structure to the existing single-family residence. A solar array would be installed on top of the covered walkway. The area where the project would be located is currently a graded parking and car turnaround area. Construction of the guest house, garage, and walkway would not involve grading undisturbed areas. Given the nature of the project site, very little tree removal is required for construction. One 10-inch pine and one 8-inch redwood would be removed. Approximately 25 to 30 feet west of the proposed guest house and garage is a stand of young pine trees. This growth has occurred since the Mt. Vision Fire and all trees are small in size. Those nearest the guest house are approximately 6 to 7 inches in diameter. The applicant is currently working with the Marin County Fire Department on the Vegetation Management Plan. As the project site was affected by the Mt. Vision Fire, vegetation at the project site consists of non-native landscaping and fruit trees down hill from the proposed project. The neighboring property (APN 114-120-16), containing the pine stand, is currently undeveloped. The proposed project is consistent with the required findings for approval of a Coastal Permit contained in Chapter 22.56I and Design Review contained in Chapter 22.82 of the Marin County Code.

CONCLUSION

Staff has conducted a site visit, reviewed all submittal information and finds that all the mandatory findings for a Coastal Permit and Minor Design Review can be made. Adequate efforts have been made to minimize grading and prevent disturbance to sensitive habitat, and the project will have minimal affects on any public views.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution conditionally approving the Marin County Department of Public Works Coastal Permit application.

ATTACHMENTS

1. Proposed Resolution recommending conditional approval of the Walsh Coastal Permit and Minor Design Review
2. CEQA document
3. Location Map
4. Assessor's Parcel Map
5. Project Plans
6. Department of Public Works, Land Development memo, June 11, 2009
7. Marin County Environmental Health Services memo, June 9, 2009
8. North Marin Water District memo, May 28, 2009

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-XXX

A RESOLUTION CONDITIONALLY APPROVING THE WALSH COASTAL PERMIT AND
MINOR DESIGN REVIEW
379 DRAKES VIEW DRIVE, INVERNESS
ASSESSOR'S PARCEL 114-120-17

The applicant is requesting a Coastal Permit and Minor Design Review in order to: 1) construct a detached 565 square foot guest house and 479 square foot garage; 2) remodel the existing 2,134 square foot residence; 3) construct a 301 square foot addition to the existing residence; 4) construct a covered walkway connecting the primary residence and new garage; and 5) install a roof mounted solar array on the new walkway. The proposed guest house would be 13.5 feet tall and the walkway would be 12.5 feet tall. Additions to the primary residence would not exceed the existing height of 24 feet 3 inches. The new guest house and garage would maintain the following setbacks: 27 feet, 5 inches from the front (north) property line; 158 feet from the rear (south) property line; and 7 feet from the side (west) property line.

SECTION I: FINDINGS

- I. WHEREAS Paul Benson and Kathleen Walsh are requesting a Coastal Permit and Minor Design Review to: 1) construct a detached 565 square foot guest house and 479 square foot garage; 2) remodel the existing 2,134 square foot residence; 3) construct a 301 square foot addition to the existing residence; 4) construct a covered walkway connecting the primary residence and new garage; and 5) install a roof mounted solar array on the new walkway.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 16, 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 because it entails the construction of a new garage and guest house and minor additions to the existing residence and would require minimal grading and tree removal, and therefore 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. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - C. Result in development that conforms to the governing standards related to building height, size and location;

D. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works staff;

E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and

F. Require minimal soil and natural vegetation disturbance.

V. 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 I, as follows:

A. Water Supply:

The existing residence is currently served by the North Marin Water District. The District has indicated that it has adequate capacity to serve the additions to the residence and the proposed guest house.

B. Septic System Standards:

The existing residence is served by an onsite septic system. The guest house would also be served by the existing septic system, which has been evaluated by the Marin County Environmental Health Services and deemed appropriate to serve the project.

C. Grading and Excavation:

Grading and excavation would be very limited as the building sites are currently flat and developed. The guest house and garage would be located on the current driveway and parking area that is improved with compacted gravel. Additions to the primary residence would involve the conversion of existing space and enclosing existing deck space. Therefore the additions would require very little grading and excavation.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of archaeological sensitivity. Further, project activities will take place within the existing driveway, car turnaround, and adjacent to the existing residence, which 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 located at an elevation of approximately 950 feet above sea level and therefore the project would have no impact on coastal access.

F. Housing:

The proposed project would not impact housing in the area as it entails residential development on a property that is zoned for that use.

G. Stream and Wetland 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.

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:

Project activities would occur completely within disturbed and landscaped portions of the property and therefore would not impact wildlife habitat.

J. Protection of Native Plant Communities:

The California Natural Diversity Database identifies the following special status species as being located within close proximity of the project site: Western leatherwood, Marin manzanita, and Swamp harebell. However, construction activities associated with the project would not impact any of the listed species as construction activities would be limited to areas of the property that are already disturbed and developed or areas that are landscaped. Therefore, construction of the project will not result in a significant impact to listed plant or animal 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. Therefore the project poses no safety threats relative to geologic hazards.

M. Public Works Projects:

The project would not impact flood control projects, or utility services.

N. Land Division Standards:

The project would be constructed on a residentially developed property and would not involve the division of any legal lots of record.

O. Visual Resources:

The project would be constructed on a property that is developed with a single family residence. The project would be shielded from view by neighbors by the existing residence and pine stands located along the east, west, and south of the property. While the project would be visible from Drakes View Drive, it would not impact any neighbors or visual resources in the area.

P. Recreation/Visitor Facilities:

The proposed project would not impact recreation of visitor facilities as it involves the construction of minor additions to an existing single family residence and guest house and garage.

Q. Historic Resource Preservation:

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

VI. 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 565 square foot guest house and attached 479 square foot garage; minor additions and remodel of the existing 2,134 square foot residence, and the construction of a covered walkway connecting the primary residence and new garage with a solar array on the roof of the walkway.

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-0.25 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 will maintain adequate setbacks from all property lines and other buildings on the property and neighboring properties.

G. Construction of the project 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 guest house and garage, covered walkway, and additions to the primary residence and will be compatible with that of other structures in the

neighborhood and will utilize exterior colors and materials consistent with the prevailing community character.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. The Walsh Coastal Permit and Minor Design Review is approved for: 1) the construction of a detached 565 square foot guest house and 479 square foot garage; 2) remodeling the existing 2,134 square foot residence; 3) constructing a 301 square foot addition to the existing residence; 4) constructing a covered walkway connecting the primary residence and new garage; and 5) installing a roof mounted solar array on the new walkway. The proposed guest house would be 13.5 feet tall and the walkway would be 12.5 feet tall. Additions to the primary residence would not exceed the existing height of 24 feet 3 inches. The new guest house and garage would maintain the following setbacks: 27 feet, 5 inches from the front (north) property line; 158 feet from the rear (south) property line; and 7 feet from the side (west) property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Residence Remodel and Guest House," consisting of 8 sheets prepared by Onju Updegrave Architect and received May 21, 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 of the existing single family residence. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
4. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
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 CP 09-38/DM 09-62, an approval of the guest house, garage, additions to the single family residence and new covered walkway, for which action is brought within the applicable statute of limitations.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community.
12. 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.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

13. 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.

14. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
15. 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). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
16. Submit Erosion and Siltation Control plans.
17. Provide a drainage plan for the project.
18. 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. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Marin County Environmental Health Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

19. The applicant must submit a septic inspection report by either a registered professional or a qualified service provider. The report must be current (within the last 12 months). The inspector should verify that the tanks are in good condition and that the water is at the expected working level. The pump must be tested and a hydraulic load test conducted. There should be no apparent signs of septic system malfunction or failure.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Walsh Coastal Permit (CP 09-38) and Minor Design Review (DM 09-62) approval by substantially completing all approved work by July 16, 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. Failure to comply with the conditions of this approval will result in the invalidation of the approvals.

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 23, 2009.**

SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 16th day of July 2009.

JEREMY TEJIRIAN, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Recording Secretary