



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C1	Application No:	CP 09-31/DR 09-64
Applicant:	Mr. John Fall	Owners:	John and Margaret Fall
Property Address:	24 Cameron Street, Inverness	Assessor's Parcel:	112-232-03
Hearing Date:	February 11, 2010	Planner:	Kristina Tierney

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>5 working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>March 22, 2010</b>

**PROJECT DESCRIPTION:**

The applicant is requesting approval to construct a 750-square-foot 15-foot-tall detached second unit on a 12,800 property that is currently developed with an existing single family residence. The second unit would be served by an onsite sewage disposal system, and four onsite parking spaces are provided for the primary residence and second unit. The second unit would be located approximately 67 feet from the front, western property line, 27 feet from the rear, eastern property line, 12 feet from the side, northern property line, and 28 feet west of existing residence.

**GENERAL INFORMATION**

Countywide Plan: C-SF3 (Coastal single-family, 1 to 5 acre min lot area, 1 unit/1-5 acres)  
 Zoning: C-RSP-1 (Coastal, Residential, single-family planned, 1 unit/acre)  
 Lot size: 12,800 square feet  
 Adjacent Land Uses: Single-family residential  
 Vegetation: Bay and pine trees  
 Topography and Slope: Moderately sloping  
 Environmental Hazards: None identified

## **ENVIRONMENTAL REVIEW**

The Environmental Coordinator has determined that this project is Categorical 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 750-square-foot detached second unit.

## **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. No comments were received.

## **PLAN CONSISTENCY:**

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Inverness Community Plan, and the Local Coastal Program, Unit 2. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

## **PROJECT ANALYSIS:**

The proposed project would entail the construction of a 750-square foot, 15-foot-tall detached accessory building on a property that is currently developed with an existing single family residence, driveway, and parking spaces. The area where the new structure would be located was historically developed with a detached accessory structure and as a result, the footprint of the new building would be located in a disturbed area. No tree removal is required for construction and the project would be served by the existing septic system.

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 22.82I of the Interim Zoning Ordinance.

## **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Fall Coastal Permit and Design Review.

- Attachments:**
1. Proposed Resolution recommending approval of the Fall Coastal Permit and Design Review applications
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Project Plans
  6. Marin County Department of Public Works Memo, 12/28/09
  7. Marin County Environmental Health Services Memo, 9/18/09
  8. Inverness Public Utility District, 9/22/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-XXX

A RESOLUTION APPROVING THE FALL COASTAL PERMIT  
AND DESIGN REVIEW  
24 CAMERON STREET, INVERNESS  
ASSESSOR'S PARCEL 112-232-03

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**SECTION I: FINDINGS**

I. WHEREAS Margaret Fall is requesting a Coastal Permit and Design Review approval to construct a 750-square-foot 15-foot-tall detached second unit on a 12,800-square-foot property that is currently developed with an existing single family residence. The second unit would be served by an onsite sewage disposal system, and four onsite parking spaces are provided for the primary residence and second unit. The second unit would be located approximately 67 feet from the front, western property line, 27 feet from the rear, eastern property line, 12 feet from the side, northern property line, and 28 feet west of existing residence.

The new additions would be served by the existing on-site septic system. **The subject property is located at 24 Cameron, Street, Inverness, and is further identified as Assessor's Parcel 112-232-03.**

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing February 11, 2010, 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 the construction of a new detached second unit, which is accessory to a residentially developed property that would not result in potentially significant impacts to the environment.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan, the Marin County Interim Zoning Ordinance, and the Inverness Ridge Community Plan for the following reasons:

A. The project would be consistent with the C-SF3 (Coastal single-family, 1 to 5 acre minimum lot area, 1 unit/1-5 acres);

B. The project would result in the construction of a detached second unit that supports the use of the property for single-family residential development, a principally permitted use under the governing C-RSP-1 (Coastal, Residential, single-family planned, 1 unit/acre).

C. 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. A qualified geotechnical engineer has attested to the stability and lack of hazards at the project site;

- D. 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;
- E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
- F. 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 22.56.130I of the Marin County Code) as specified below.

**A. Water Supply**

The existing residence is currently served by the Inverness Community Public Utilities District. The District has indicated that it has adequate capacity to serve the additions to the residence.

**B. Septic System Standards**

The residence would be served by a new onsite septic system, which has been permitted by the Marin County Environmental Health Services and deemed appropriate to serve the project.

**C. Grading and Excavation**

Total grading and excavation would be limited to the amount necessary to construct the modestly sized second unit and the new septic system. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

**D. Archaeological Resources**

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of high archaeological sensitivity. Conditions of project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

#### **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 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

#### **F. Housing**

The proposed project would not negatively affect the housing stock of the Inverness community because it does not involve demolition.

#### **G. Stream and Wetland Resource Protection**

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey Maps.

#### **H. Dune Protection**

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

#### **I. Wildlife Habitat**

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicate that the subject property is located in an area potentially containing rare wildlife species including the pallid bat (*Antrozous pallidus*) and Point Reyes mountain beaver (*A. rufa phaea*). The project would take place in a grassy hillside and would have no impact to those species.

#### **J. Protection of Native Plant Communities**

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is located in an area containing the following rare plants: Marin knotweed (*Polygonum marinense*), Lyngbye's sedge (*Carex lyngbyei*), Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), coast lily (*Lilium maritimum*), Marin Hesperian (*Vespericola marinensis*), and the North Coast phacelia (*Phacelia insularis* var. *continentis*). The project site is developed with a single-family residence, driveway, onsite parking, and vegetation at the site consists of disturbed ruderal vegetation that is unlikely to provide habitat for such species.

#### **K. Shoreline Protection**

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

**L. Geologic Hazards**

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies within the delineated boundaries of the San Andreas Fault zone. However, the second unit would be constructed with building permits and built to the standards established by the California Building Code, therefore the project poses no safety threats relative to geologic hazards.

**M. Public Works Projects**

The proposed project will not affect any existing or proposed public works project in the area.

**N. Land Division Standards**

No land division is proposed as part of this project.

**O. Visual Resources**

The project entails the construction of a modest 705-square foot detached second unit. While the project would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

**P. Recreation/Visitor Facilities**

The proposed project would 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 have any impact upon recreation or visitor facilities.

**Q. Historic Resource Preservation**

The subject property is not located within any designated historic preservation boundaries of the Inverness Community 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 Interim Zoning Ordinance can be made based on the following findings:

**A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the accessory structures would have a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would not impact visual resources. Further, the project is consistent

with the Inverness Ridge Community Plan and therefore would not be incompatible with the neighborhood.

- B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project would maintain adequate setbacks from all property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

- C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

As proposed, the project is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project is located on a developed, landscaped property and would require no tree removal and would conserve non-renewable energy and natural resources.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the small size of the second unit minimizes the appearance of mass and bulk and visual impacts.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

- 1. The area, heights, mass, materials, and scale of structures;**

The detached accessory structure has been designed to minimize adverse visual effects related to design and building massing. It has adequate setbacks to all property lines and designed to blend in to the existing development. The height of the structure, 15 feet, complies with the height limit for accessory structures. While the detached structure does contain two stories, in conflict with 22.70.060I, Section 22.47.010I *Application of Specific Regulations* allows for the planning

director to determine that a proposed development is within the intent and objectives of the zoning district in which the proposed development is located. As the detached accessory structure meets the 15 foot height limit established by the C-RSP zoning district in Section 22.57.0861.2.e, staff finds that the additional story is in keeping with the C-RSP zoning district standards.

**2. Drainage systems and appurtenant structures;**

All project plans have been reviewed by the Department of Public Works. The second unit is in conformance with the Single-family Residential Design Guidelines.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The proposed project has been designed to minimize the amount of grading.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The project would be required to meet Title 24 and Ordinance 3492 and would not require any tree removal.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project, as conditioned, is consistent with all applicable regulations and as described in "F" above, meets the design guidelines, and would not be detrimental to the public or County.



## SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Fall Coastal Permit (CP 09-31) and Design Review (DR 09-64), subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. Pursuant to Interim Zoning Code Sections 22.56.130I (Coastal Permits) and 22.82.040I (Design Review), the Fall Coastal Permit and Design Review are approved to construct a 750-square-foot detached second unit on a property that is currently developed with an existing single family residence. The second unit would be served by an onsite sewage disposal system and three onsite parking spaces are provided for the primary residence and second unit. The second unit would be located approximately 67 feet from the front, western property line, 27 feet from the rear, eastern property line, 12 feet from the side, northern property line, and 28 feet west of existing residence.

The property is approved to be served by a new on-site septic system. **The subject properties are located 24 Cameron Way, Inverness, and are further identified as Assessor's Parcel 112-232-03.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Proposed Second Unit In-law Project," consisting of 9 sheets prepared by Singer and Associates and received December 22, 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 match the existing residence including:
  - a. Siding – natural wood shingles and grey/green clapboard siding
  - b. Windows – white vinyl windows
  - c. Roof – non-combustible composition shingle or similar material, to be approved by the Planning Department

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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 (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.
6. 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.

7. 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.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin, the Inverness Public Utilities District 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 Fall Coastal Permit (CP 09-31) and Design Review (DR 9-64), for which action is brought within the applicable statute of limitations.
9. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. 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.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, 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 actions.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

11. 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.
12. 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.
13. 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.
14. Provide two additional guest parking spaces. The two guest spaces shall be independently accessible to each other, but may be in tandem with the two resident spaces. All or part of the guest spaces may extend onto the driveway approach (the portion of driveway in the right-of-way), but shall not block the 2<sup>nd</sup> unit parking space.
15. The resident parking spaces shall be independently accessible to each other and the 2<sup>nd</sup> unit space shall be independently accessible to all other parking spaces. The proposed 2<sup>nd</sup> unit parking space appears to interfere with one of the resident spaces. Revise the plans to meet the parking requirements.
16. Submit Erosion and Siltation Control plans.
17. Provide a drainage plan for the project. Drainage at the foundation shall slope a minimum of 5% for 10-feet. Also, provide a means for managing impervious runoff so as not to cause erosion or cross property lines.
18. Provide a drainage plan for the retaining wall back-drain. Show locations of cleanouts and erosion control management at the drainage outfall.
19. The driveway approach (portion of driveway within the right-of-way) shall be paved with asphalt from the edge-of-pavement of Cameron Street, to the property line.
20. Due to the narrow condition of Cameron Street, no parking of construction vehicles or construction equipment shall be allowed on Cameron Street so as to impede vehicular access in any way.
21. A Standard Encroachment Permit shall be required for all work within the road right-of-way.
22. 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.

Inverness Public Utility District

23. The installation of residential fire sprinklers may require upgrading of the existing water service. If an upgrade is required by the fire sprinkler engineer, then owners will be required to enter into a service agreement with Inverness PUD for the upgrading of the service.
24. It is noted that the plans call for a wood shake roof. Such a roof is not permitted in Marin County. All materials must comply with Marin County Building Codes for fire resistance.

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

The applicant must vest this approval by obtaining a Building Permit for the approved work and approval of a final inspection by the Building and Safety Division within the time limits specified in the conditions of approval. Requests for an extension to the time limits specified therein may be granted administratively by the Community Development Agency staff, in consultation with the Code Enforcement Section, for good cause, such as delays beyond the applicant's control. In no event may such extensions be granted beyond two years from the effective date of this approval. Time extensions to vest the approval beyond two years and up to a maximum of four years may only be granted upon the filing of an extension application with required fees pursuant to Section 22.82.130I and Section 22.56.120I of the Interim Zoning Ordinance.

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 19, 2010**.

**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 11<sup>th</sup> day of February 2010.

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JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary