

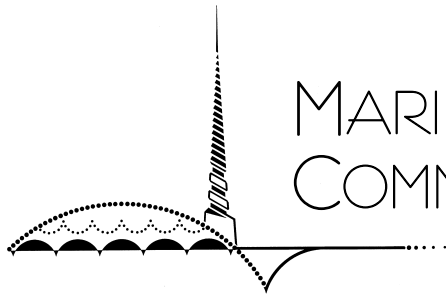
**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – April 15, 2010**

Hearing Officer      Jeremy Tejrjian, AICP

Staff Present:        Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:05 A.M.  
Adjourned at 9:07 A.M



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **MARK AND MARTHA GREENOUGH**  
Application (type and number): **Coastal Permit (CP 10-12), and Design Review (DR 10-27)**  
Assessor's Parcel Number: **112-242-09**  
Project Location: **55 Elgin Way, Inverness**  
For inquiries, please contact: **Kristina Tierney, Planner**  
Decision Date: **April 15, 2010**

**DETERMINATION: Approved with Conditions**

Minutes of the April 15, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-24.

Marin County Community Development Agency

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Jeremy Tejrjian, AICP  
Hearing Officer

**C1. COASTAL PERMIT (CP 10-12) AND DESIGN REVIEW (DR 10-27):  
MARK AND MARTHA GREENOUGH**

**KT**

A proposal to consider the Greenough Coastal Permit and Design review proposing to demolish an existing 346-square-foot shed and construct a new 424-square-foot, 15-foot tall detached second unit in its place. The second unit would be accessory to an existing two-story 2,402 square foot single-family residence. The second unit would be served by an onsite sewage disposal system and two new onsite parking spaces would be provided by a brick parking pad. The second unit would be located approximately 2 feet from the front, northern property line, 1 foot 10 inches from the side, western property line, 45 feet from the rear, southern property line, 74 feet from the side, eastern 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 55 Elgin Way, Inverness, and is further identified as Assessor's Parcel 112-242-09.**

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. However, she presented the Hearing Officer with a revised resolution with changes to the Design Review.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer directed staff to change the words "would" to "shall" in the revised resolution.

The Hearing Officer concurred with staff's analysis and recommendation and approved the Mark and Martha Greenough Coastal Permit and Design Review, based on the Findings in the modified Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-116

A RESOLUTION APPROVING THE GREENOUGH COASTAL PERMIT  
AND DESIGN REVIEW  
55 ELGIN WAY, INVERNESS  
ASSESSOR'S PARCEL 112-242-09

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**SECTION I: FINDINGS**

I. WHEREAS Charlie Barnett, on behalf of the property owners Mark and Martha Greenough, are requesting approval to demolish an existing 346-square-foot shed and construct a new 424-square-foot, 15-foot tall detached second unit in its place. The second unit would be accessory to an existing two-story 2,402 square foot single-family residence. The second unit would be served by an existing onsite sewage disposal system and two new onsite parking spaces would be provided by a brick parking pad. The second unit would be located approximately 2 feet from the front, northern property line, 1 foot 10 inches from the side, western property line, 45 feet from the rear, southern property line, 74 feet from the side, eastern property line, and 28 feet west of existing residence.

**The subject property is located at 55 Elgin Way, Inverness, and is further identified as Assessor's Parcel 112-242-09.**

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing on April 15, 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 and 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 second unit.

**B. Septic System Standards**

The second unit would be served by the existing 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. 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 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 increase the housing stock of the Inverness community as it involves the construction of a new second unit.

## **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 or as verified during a site visit.

## **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 on an already developed site 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. Vegetation at the site mostly consists of non-native landscaping. As such the site 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 outside the delineated boundaries of the San Andreas Fault zone. Further, 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 demolition of a 346-square-foot detached accessory structure and the construction of a modest 424-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. The existing visual character of the site would be improved by increased setbacks proposed by the second unit compared to the existing structure and proposed landscape screening.

## **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:

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

The project is consistent with the Marin Countywide Plan and Inverness Ridge Community Plan as it entails replacement construction on a developed lot and would not involve substantial grading or tree removal. Further, it would be compatible with the neighborhood.

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

The project would maintain adequate setbacks from all property lines and would not result in the loss of light or privacy to adjacent neighbors. The neighbors have written in support of this project.

- 3. 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;**

As proposed, the project is located entirely within the subject parcel, maintains adequate setbacks and would not result in development which would impact future improvements to the surrounding properties. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

- 4. 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 wholly located on the subject property and therefore would not affect improvement in the vicinity or on neighboring properties, including public lands and rights of way.

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

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.

- 6. 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. Further, proposed landscaping would further screen the structure from view.



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 require only minimal 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.

**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.**

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences and the adjoining neighbors have written in support of the project.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Greenough Coastal Permit (CP 10-12) and Design Review (DR 10-27), 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 Greenough Coastal Permit and Design Review are approved to demolish an existing 346-square-foot shed and construct a new 424-square-foot, 15-foot tall detached second unit in its place. The second unit shall be accessory to an existing two-story 2,402 square foot single-family residence. The second unit shall be served by an existing onsite sewage disposal system and two new onsite parking spaces would be provided by a brick parking pad. The second unit shall be located approximately 2 feet from the front, northern property line, 1 foot 10 inches from the side, western property line, 45 feet from the rear, southern property line, 74 feet from the side, eastern property line, and 28 feet west of existing residence.

**The subject property is located 55 Elgin Way, Inverness, and is further identified as Assessor's Parcel 112-242-09.** Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the second unit that is approved herein shall be **57 Elgin Way, Inverness.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Greenough Residence," consisting of 12 sheets prepared by Charlie Barnett and Associates and received December 30, 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 with resistive treatment
  - b. Windows – off white trim
  - c. Roof – Green composition shingle

**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. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
6. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front (northern) and side (western) property lines and install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation to the Planning Division. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of the front (northern) and side (western) property lines and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division. Please refer to the “Building Inspection Procedures” document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building\\_Inspection\\_Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf) for additional details regarding this requirement.
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. 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.
9. 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.
10. 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 Greenough Coastal Permit (CP 09-31) and Design Review (DR 9-64), for which action is brought within the applicable statute of limitations.
11. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

12. 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.
13. Provide a site plan with a minimum scale of 1/8" = 1.0-ft or 1:10.
14. Provide a preliminary soils report with the minimum required seismic site data for the new structure.
15. 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.
16. Provide more detail on the drainage plan for the project. Include surface drainage away from the foundation of the new structure. Drainage shall be a minimum of 5% slope for 10-ft [2007CBC§1803.3].
17. Submit during and post construction erosion and siltation control plans.
18. Provide a separate shutoff mechanism for the 2<sup>nd</sup> unit utilities.

Marin County Environmental Health Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

19. Building plans must show a ten foot setback from the proposed second unit (including deck footings) to the closest leach line.
20. Submit a current passing septic report by a service provider or consultant
21. Specify low-flow fixtures in the second unit.

Inverness Public Utility District

22. Interior residential fire sprinklers will be required in the new second unit per Marin County Code.
23. Street address to be posed where readily visible from Elgin Way. Street address numbers to be four inches minimum height and made of reflective materials.
24. In the event installation of fire sprinklers requires a larger meter than the currently installed 5/8 by 3/4-inch service, the property owner will have to enter into an agreement with the Water System to upgrade the property's meter and connect to the main.

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

The applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits by April 15, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.82.130I and Section 22.56.120I of the Interim Zoning Ordinance.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. 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 such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

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 **April 22, 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 15<sup>th</sup> day of April 2010.

\_\_\_\_\_  
JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

\_\_\_\_\_  
Joyce Evans  
DZA