

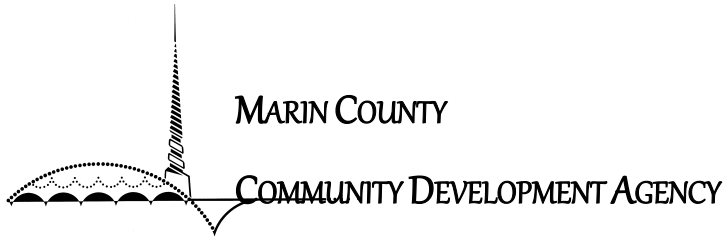
**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – May 13, 2010**

Hearing Officer      Johanna Patri, AICP, Consulting Planner

Staff Present:        Scott Greeley, Planner

Joyce Evans, Recording Secretary

Convened at 9:00 A.M.  
Adjourned at 9:50 A.M



**NOTICE OF DECISION**

Applicant's Name: **DOUGLAS HANER**  
Application (type and number): Coastal Permit (CP 10-28) and Design Review (DR 10-61)  
Assessor's Parcel Number: 119-122-19  
Project Location: 65 Mesa Road, Point Reyes Station  
For inquiries, please contact: Scott Greeley, Planner  
Decision Date: May 13, 2010

**DETERMINATION:** **Approved with Conditions**

Minutes of the May 13, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-24

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**C1. COASTAL PERMIT (CP 10-28) AND DESIGN REVIEW (DR 10-61): DOUGLAS HANER**

**SG**

A proposal to consider the construction of a one story, 902 square foot garage/workshop, along with a 63 square foot cedar deck. The structure will reach a maximum height of 15 feet above grade and would have the following minimum setbacks: 1) 62 feet from the northwesterly front property line; 2) 67 feet from the southeasterly rear property line; 3) 27 feet from the westerly side property line; and 4) 102 feet from the easterly side property line. The garage/workshop is proposed to be constructed of cedar shingle, along with a shingle roof. The zoning for this parcel is C-ARP-1. The subject property is located at **65 Mesa Road, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-122-19**.

The Hearing Officer noted that the applicant was not present.

The Hearing Officer acknowledged receipt of a supplemental memorandum dated May 13, 2010 that staff summarized regarding clarifications to Section I, subsection VI (B), and Condition of Approval #1, Section I, subsection VII (5), Section I, subsection VI (O), and Condition of Approval #5, and new Condition of Approval # 23.

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

The Hearing Officer concurred with staff's analysis and recommendation and approved the Haner 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. 10-119  
A RESOLUTION APPROVING THE HANER COASTAL PERMIT AND DESIGN REVIEW  
65 MESA ROAD, POINT REYES STATION  
ASSESSOR'S PARCEL 119-122-19

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**SECTION I: FINDINGS**

- I. WHEREAS, Douglas Haner and Bonnie Tank, are seeking Coastal Permit and Design Review approvals to construct a new 902 square foot garage/workshop, a 63 square foot cedar deck, and legalize a previously unpermitted 400 square foot detached shed. The garage/workshop will reach a maximum height of 15 feet above grade and would have the following minimum setbacks: 1) 62 feet from the northwesterly front property line; 2) 67 feet from the southeasterly rear property line; 3) 27 feet from the westerly side property line; and 4) 102 feet from the easterly side property line. The garage/workshop is proposed to be constructed of cedar shingle, along with a Class A composite shingle roof. The detached shed achieves a maximum height of 12 feet and has the following setbacks: 1) 91 feet 6 inches from the northwesterly front property line; 2) 60 feet from the southeasterly rear property line; 3) 131 feet from the westerly side property line; and 4) 2 feet 6 inches from the easterly side property line. Coastal Permit approval is required because the project is within the Coastal zone. Design Review approval is required because the project is within a planned zoning district. **The subject property is located at 65 Mesa Road in Point Reyes Station, and is further identified as Assessor's Parcel 119-122-19.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 13, 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(a) of the CEQA Guidelines because it entails construction of a new garage and legalizes an existing shed, which are incidental to the primary residence and 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 less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);
  - C. The project has been designed and conditioned 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-1.1 DES-1.2, 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 and does not support special status species and will therefore not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1 and BIO-2.1);
- A. 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:
  - B. The scale and design of the project is compatible with other structures found in the community (Point Reyes Station Community Plan, Planning Area Policy, PA-3.7).
  - C. The project is consistent with new residential development criteria outlined in the community plan (Point Reyes Station Community Plan, Residential Land Use Policies, RL-3.1, RL-3.2a, RL-3.2c, RL-3.2d, RL-3.3b, RL-3.3c, RL-3.3h, and RL-3.4).
- 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 by the North Marin Water District. The water district has found that the applicant must comply with the District's Mandatory Water Conservation Ordinance, as well as possibly upgrade the existing service meter and water lateral may be necessary if fire sprinklers are required by the Marin County Fire Department. This is being required by the fire department and will be addressed at the building permit stage. A final "will serve" letter, stating final project approval, will go out from the water district after the necessary water service upgrades are made and it has been demonstrated that the standards outlined in the District's Mandatory Water Conservation Ordinance have been met. 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. At this time, it has not been determined conclusively that the existing septic system can handle the proposed project. To address this, the project has been conditioned so that prior to building permit issuance, the applicant must conduct a hydraulic test during the wet season. This is done in order to demonstrate that current Environmental Health Standards for septic systems can be met. Satisfaction of Environmental Health Services standards is a requirement for any building permit with such a proposed accessory use. Until these standards are met, a building permit will not be issued. When the standards can be demonstrated to be met, Environmental Health Services will be able to provide necessary building permit clearance. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The proposed garage/workshop and the existing shed, are located on flat areas on the property, which 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 project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Point Reyes Station community because it does not involve removing any existing housing stock. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is located outside the vicinity of any recognized sensitive streams or creeks subject to stream and wetland protection policies of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the dune protection area identified by the Local Coastal Program and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

Based on review of the California Natural Diversity Database and the Local Coastal Program natural resource maps, this region of Point Reyes Station does not contain any recognized wildlife habitat or special-status wildlife species. 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. The site conditions are not appropriate for the presence of the

plant because there are no wetlands or coastal terrace prairie evident on the property. 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 located outside of the Alquist-Priolo Special Study Zone and is not in an area containing geologic hazards. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect 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 project as proposed is inconsistent with this finding due to the proposed garage/workshop's exposure and lack of screening along the applicants westerly property line. The project is therefore being conditioned to include a minimum of 3 15-gallon, native trees to be located along the westerly property line to provide adequate visual screening. Therefore, as conditioned, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities because of its location along the rural residentially developed part of Mesa Road and does not infringe on access to any nearby local 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 1930. 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 902 square foot garage/workshop, deck space, and the legalization of an existing 400 square foot shed. 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 project is inconsistent with this finding due to a lack of adequate screening of the proposed garage/workshop along the westerly side property line. The project is therefore being conditioned to include a minimum of 3 15-gallon, native trees to be located along the westerly property line to provide adequate visual screening. The project is or otherwise has been designed to be consistent with the design, color, scale, and material commonly found in the surrounding community. 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 902 square foot garage/workshop, deck space, and the legalization of an existing 400 square foot shed in a rural, residentially developed community. The project would comply with the governing zoning standards and would be located entirely on the subject property. Therefore, the project would be consistent with this finding.

**D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project, will not limit potential development on neighboring properties and should not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design, location, and the conditioned screening of the garage/workshop. This will allow for development which meets applicable development standards and also addresses potential negative impacts which could otherwise result from the garage/workshop. 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;**

The proposed project will not result in the removal of any trees or protected vegetation. In addition, the project has been conditioned to include new tree plantings at the westerly side of the yard to help screen the proposed residence from neighbors of the property. Therefore, the project would be consistent with this finding.



**F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

1. The scale, mass, height, area and materials of buildings and structures,

The proposed project entails the construction of a 15-foot high, 902 square foot garage/workshop with deck and the legalization of an existing 12-foot high, 400 square foot shed. The structures have been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and, 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.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works and the project has been conditioned so that a drainage plan be submitted and considered for ordinance compliance 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 sites on which the proposed accessory structures are or are to be located are situated on relatively flat slopes and the amount of necessary cut and fill will be minimal.

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

The project is entirely upon the owner's property and will not result in an increase in overall traffic and should have no impact on pedestrian, animal, or vehicular access.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The proposed project entails the construction of a 15-foot high, 902 square foot garage/workshop with deck and the legalization of an existing 12-foot high, 400 square foot shed. The project as designed and conditioned is consistent with the policies of the General Plan, Point Reyes Station Community Plan, Interim Zoning Code, and is otherwise consistent with the general height and bulk of other accessory structures found in the community. The proposed project as designed, situated, and conditioned would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties.

Therefore, the project would be consistent with this finding.

- G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The proposed project entails the construction of a 15-foot tall, 902 square foot garage/workshop with deck and the legalization of an existing 12-foot tall, 400 square foot shed in a planned, Residential-Agricultural zoning district. The materials, coloring, design, and scale are consistent with the existing residence as well as others found in the surrounding community. The project will also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

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

### **Marin County Community Development Agency, Planning Division**

1. Pursuant to Chapters 22.56I (Coastal Permit), and 22.82I (Design Review) of the Marin County Interim Zoning Code, the Haner Coastal Permit and Design Review authorizes the construction of a new 902 square foot garage/workshop, a 63 square foot cedar deck, and legalizes a previously unpermitted 400 square foot detached shed. The garage/workshop shall reach a maximum height of 15 feet above grade and shall have the following minimum setbacks: 1) 62 feet from the northwesterly front property line; 2) 67 feet from the southeasterly rear property line; 3) 27 feet from the westerly side property line; and 4) 102 feet from the easterly side property line. The garage/workshop shall be constructed of cedar shingle, along with a Class A composite shingle roof. The detached shed shall achieve a maximum height of 12 feet and have the following setbacks: 1) 91 feet 6 inches from the northwesterly front property line; 2) 60 feet from the southeasterly rear property line; 3) 131 feet from the westerly side property line; and 4) 2 feet 6 inches from the easterly side property line. The subject property is located at **65 Mesa Road, Point Reyes Station** and is further identified as **Assessor's Parcel 119-122-19**.
3. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "PROPOSED TANK/HANER GARAGE & SHOP," consisting of six sheets, and received on February 24, 2010, with revisions received on May 3, 2010 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
4. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
5. 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.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan which provides a minimum of 3 additional native screening trees along the westerly side of the property, which shall provide screening of the garage/workshop. The landscaping shall be a minimum of 3 15-gallon size and subject to staff approval.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide staff with a “will serve” letter from the North Marin Water District.
7. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
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. 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.
11. BEFORE FINAL INSPECTION, the applicant shall submit a written confirmation from the North Marin Water District confirming that the installed landscaping complies with the District’s Water Conservation Ordinance.
12. 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 Haner Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.

13. 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.

Marin County Public Works Department, Land Development Division

14. 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. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a preliminary soils report based upon adequate test borings and prepared by a registered geotechnical engineer to include seismic design site criteria.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, 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.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide more detail for the drainage plan. Specifically, provide permanent erosion control measures for the roof downspouts and more detail on the drainage swale design. Surface drainage away from the foundation shall be at 5% slope for a minimum of 10-ft [2007CBC §1803.3]. The drainage and grading plans shall be designed by either a registered Engineer or Architect with signature and wet stamp on the plans.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans for the construction phase of the project.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall show the entire width of the Mesa Road right-of-way on the site plan.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for any work within the Mesa Road right-of-way.

**Marin County Community Development Agency, Environmental Health Services**

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the existing septic system will need to be inspected and a hydraulic test must be conducted during the **wet season**. EHS records indicate the system was tested over 10 years ago and that system was found to be operating poorly and could fail in the future. Applicant can contact EHS for any questions.

Marin County Fire Department

22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
23. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that the Vegetation Management /Defensible Space Plan has been implemented and that the fire suppression water supply is in place.
24. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

### **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 13, 2012, 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 22.88.0501 of the Marin County Code.

The Building Permit approval expires if the building or work authorized in this approval 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 20, 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 13<sup>th</sup> day of May 2010.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary



**NOTICE OF DECISION**

Applicant's Name: **RICHARD STOREK**  
Application (type and number): Design Review (DR 10-24) and Variance (VR 10-4)  
Assessor's Parcel Number: 048-021-03  
Project Location: 16 Madrone Park Circle, Mill Valley  
For inquiries, please contact: Scott Greeley, Planner  
Decision Date: May 13, 2010

**DETERMINATION: Approved with Conditions**

Minutes of the May 13, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-29.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**H1. DESIGN REVIEW (DR 10-24) AND VARIANCE (VR 10-4):  
RICHARD STOREK**

**SG**

A proposal to consider the renovation of portions of the existing residence, adding a new deck, patio, 504 square foot garage, and a 258 square foot addition to an existing 2,068 square foot residence on an 8,149 square foot lot. The proposed 2,326 square foot residence, with garage, would have a floor area ratio of 28.5%. The proposed additions would have the following minimum setbacks: 1) 4 feet 6 inches from the southerly front property line; 2) 33 feet from the northerly rear property line; 3) 4 feet 7 inches from the westerly side property line; and 4) 6 feet 2 inches from the easterly side property line. The proposed addition would attain a maximum height of approximately 42 feet 5 inches and the proposed garage would attain a maximum height of 35 feet. The zoning for this parcel is R-1:B-1. The subject property is located at **16 Madrone Park Circle, Mill Valley**, and is further identified as **Assessor's Parcel 048-021-03**.

In response to the Hearing Officer, staff acknowledged two e-mails dated May 13, 2010, from Charles Sands and Robert Cogswell, neighbors in support of the project. Mr. Sands made a request for a \$100,000 construction repair bond and a construction management plan. Staff did not object to requiring a construction management plan through the Conditions of Approval. Staff maintained its findings with regards to Design review and Variance.

In response to the Hearing Officer, staff stated that the square footage of the garage is 480 square feet.

The public testimony portion of the hearing was opened.

Rich Storek, applicant, explained the difficulty of building on an extreme slope. He presented a model of the home to demonstrate where the additions and garage would be placed and what he did to minimize the visual impact of the project.

The Hearing Officer questioned the applicant about the total square footage beyond 35 square feet in height. The applicant stated that 56 square feet would be in excess of 35 feet and the finished height of the roof that would be 42 feet, 5 inches. The applicant further explained that the garage will replace a parking deck and a retaining wall. Discussion followed regarding plans A1-1.2 and what was being changed. After some discussion, the Hearing Officer noted that precedence with a Variance approval does not apply and each project is judged on a case by case basis.

In response to the Hearing Officer, Berenice Davidson, Department of Public Works, stated that the minimum height requirement of a garage is seven feet according to the California Building Code.

In response to the Hearing Officer, the applicant explained how he designed egress needed for the four story project and the new roof will not encroach into the pedestrian pathway.

Charles Sands and Robert Cogswell spoke in favor of the project regarding:

- Project should not require a Variance;
- Adding four feet of road would benefit all the neighbors on the un-safe turn, and should be finished before next winter.

In response to the Hearing Officer, the applicant stated that the hammerhead turnaround is a privately maintained road. He has staged the project with the initial garage construction, retaining wall and connecting deck. The second phase will be the residential addition and he has submitted a green building rating form.

Staff noted that the parcel consists of two historic lots and the garage is on a separate lot. A County-initiated merger will be necessary.

The public testimony portion of the hearing was closed.

The Hearing Officer noted that findings would have to be made for Design Review and Variance, as well as consistency with the Tamalpais Area Community Plan, Countywide Plan, and Single Family Residence Guidelines.

Discussion followed on the height, bulk and mass of the garage that does not meet the Hillside Design Guidelines D-1.5. The Hearing Officer noted that the slope of the roof should be oriented in the same direction as the natural slope. The applicant noted that the 15 foot height limit would greatly increase the visual impact while the present design has less overall bulk. The applicant has worked with the fire department that would also benefit from the road improvement.

The Hearing Officer conditionally approved the Variance project and the Design Review project with modifications to the height of the garage as follows:with the following modifications:

- Finding IV– add to A. “Consistent with the residential character of the surrounding community, and does not impact the natural environment including the open space district lands adjacent to the property, as modified by the Conditions of Approval, it will be integrated harmoniously into the neighborhood. The residential development will be enhanced by the addition of a parking facility for two off-street parking spaces and widening of the road”;
- Finding VI – E. Strike “In addition the propose project is consistent with all of the Planned District Development Standards do not apply;
- Finding VI – E. Design Guideline D 1.5: – the design of the garage is not consistent with this finding. Conditions of Approval require that the pitch of the garage and its total height be reduced by approximately five feet subject to approval of the Community Development Agency to a maximum height of 30 feet. In addition, a comprehensive landscape plan will be required which utilizes the design guidelines contained in Appendix L of the Single Family Residential Design Guidelines entitled Planting Design for Residential Hillside guidelines for review and approval by staff;



- Finding VI – strike the first paragraph. Design Review and Variance is required for anything above 35 feet.;
- Add a Condition of Approval for a construction management plan. “The garage, retaining wall, widening of the road and the deck will be the first phase of this project. Other aspects of the construction management plan should include provisions for construction traffic control, including notifying the neighbors if the road will be obstructed. The Fire Department shall be notified in writing of the time and hours at least 72 hours in advance. A construction plan shall note where building materials will be stacked and how vehicles associated with construction activities and employees including car pooling to keep excessive numbers of construction vehicles under control.;
- BEFORE ISSUANCE OF BUILDING PERMIT for the residence, the garage will be constructed and used as a staging area for the residential development.;
- Finding V – A:: add, “While the steepness of residential parcels in the neighborhood is a common constraint, the average lot slope for this property is approximately 68%, while the average lot slope of hillside lots in the neighborhood is generally 40% to 50%, making this property one of the steepest lots in the neighborhood and, therefore, a special circumstance applicable to the property. Pursuant to Government Code section 65906, a Variance may be granted when there are specific physical circumstances that distinguish the project site from its surroundings.”

“Development on the subject property is not only constrained by the steepness of the down sloping lot, the existing residence is sited at the front of the property, having an existing front yard setback of 4 feet, 10 inches, as the original residence, constructed in approximately 1925, was sited at the extreme upslope front portion of the parcel. Therefore, it is not possible to convert a small portion of understory at the front of the residence into additional living space without encroaching into the required front yard setback, nor is it possible to add a small addition to the modest-sized residence at the front of the existing residence without encroaching into the required front yard setback. It is problematical to add a small addition at the rear of the residence without exceeding the height limit on the extremely down sloping parcel, while maintaining the integrity of the current design and roof-line. The current height of the residence from roof ridge to grade is approximately 36 feet at the point where the 56 square feet of additional floor area is proposed in order to convert a substandard height loft area into habitable space.”

“The project entails adding 56 square feet of additional floor area at the point where the existing residence is over 35 feet, resulting in a height of 42 feet, 5 inches from roof ridge to grade, on the steep down slope grade of the site, in order to allow the continuation of the pitch of the existing roof. The extreme steepness of the slope of the property and the existing physical conditions of the property make the proposed project consistent with this finding.”

- Finding V – B, add after “Therefore, the..... granting of the Variance does not allow a use or activity which is not authorized by the zoning district and the proposed project is consistent with this finding.”;

- Finding V - C – add: “The purpose of granting a Variance is to allow development on uniquely constrained properties that achieves parity with the development in the surrounding area. The proposed 56 square feet of additional floor area at the rear of the residence that requires the height variance and the conversion of 100 square feet of understory to living area at the front of the residence that requires the front yard setback variance and the resultant 2,326 square foot residence are modest in nature and consistent with the surrounding residential development. Granting the Variance would, therefore, not result in a special privilege inconsistent with the limitations of development upon other properties in the vicinity because the extreme slope of the property, in this case 68%, and the existing physical conditions of the site are special circumstances, and the project would not result in any public detriment. Strike the remainder of the Finding up to “Therefore, the proposed project is consistent with this finding.”;
- Finding V - D – add: “...and the project would not result in adverse visual effects to the character of the surrounding community or impact views or privacy of surrounding properties. Additionally, letters of support.....”;
- Condition of Approval # 1 – The Hearing Officer directed Staff to add the project description of the widening of the road and all associated improvements, including the retaining wall.”
- Condition of Approval # 2: Strike the bullet points;
- Condition of Approval # 2, add: “The garage is approved with a maximum height of 30 feet from the highest roof ridge to the natural or finished grade, which ever is more restrictive.”;
- Condition of Approval # 6: “BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to the Community Development Agency for review and approval a comprehensive landscape plan per the principles and guidelines of “Planting Design for Hillside Residential Development” contained in Appendix L of the “Single-family Residential Design Guidelines”, including fire retardant plantings.”, and strike the remaining part of the sentence.;
- Condition of Approval # 17: Add requirement for a Construction Management Plan.;
- New Condition of Approval #3: “This approval in no way approves encroachments into the 10 foot existing pedestrian pathway and no new encroachments, including the new roof, are allowed by the approval of this project.”

The Hearing Officer concurred with staff’s analysis and recommendation and approved the Storek Design Review and Variance, 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 ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-120  
A RESOLUTION CONDITIONALLY APPROVING THE STOREK DESIGN REVIEW AND  
VARIANCE  
16 MADRONE PARK CIRCLE, MILL VALLEY  
ASSESSOR'S PARCEL 048-021-03

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**SECTION I: FINDINGS**

- I. WHEREAS, Rich Storek, is seeking Design Review and Variance approvals to construct various improvements consisting of: a total of 258 square feet of additions on three levels 379 square feet of loft space with a ceiling height of less than 7 feet 6 inches, a detached 480 square foot garage, and a new deck and patio; and renovate portions of the existing 2,068 square foot residence on an 8,149 square foot lot. The proposed 2,326 square foot residence, with garage, would have a floor area ratio of 28.5%. The proposed lower floor addition would have the following minimum setbacks: 1) 4 feet 10 inches from the southerly front property line (where 25 feet is required) 2) 59 feet from the northerly rear property line; 3) 6 feet 2 inches from the easterly side property line; and 4) 86 feet from the westerly side property line. The proposed deck and street level addition would have the following minimum setbacks: 1) 29 feet from the southerly front property line; 2) 34 feet from the northerly rear property line; 3) 7 feet from the easterly side property line; and 4) 67 feet from the westerly side property line. The upstairs loft space would have the following minimum setbacks: 1) 25 feet from the southerly front property line; 2) 40 feet from the northerly rear property line; 3) 21 feet from the easterly side property line; and 4) 66 feet from the westerly side property line. The proposed garage would have the following minimum setbacks: 1) 3 feet 11 inches from the southerly front property line; 2) 63 feet from the northerly rear property line; 3) 4 feet 7 inches from the westerly side property line; and 4) 69 feet from the easterly side property line. The proposed loft addition would attain a maximum height of approximately 42 feet 5 inches. The other additions to the residence and the new garage would attain a maximum height of 35 feet.

Design Review approval is required for portions of the additions to the residence and the new garage which exceed 30 feet in height

.Variance and Design Review approvals are required for the proposed height of the addition to the residence in excess of 35 feet.

Variance approval is also required for portions of the proposed addition to the residence, which encroach into the required front yard setback.

**The subject property is located at 16 Madrone Park Circle in Mill Valley, and is further identified as Assessor's Parcel 048-021-03.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 13, 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 as modified by conditions of approval is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails construction of additions and renovations to an existing residence and does not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that as modified by conditions of approval the proposed project is consistent with the following pertinent land use policies of the Tamalpais Area Community Plan including:
  - A. The project is consistent with the residential character of the surrounding community (Tamalpais Area Community Plan, Land Use Policy, LU-1.3), and does not impact the natural environment, including the open space district lands adjacent to the property. As modified by the Conditions of Approval, it will be integrated harmoniously into the neighborhood. The residential development will be enhanced by the addition of a parking facility for two off street parking spaces and widening of the road.
  - B. The project has been deemed to be consistent with the overall policies and intent of the community plan (Tamalpais Area Community Plan, Section VII (C and E). While the Community Plan does have programs for hillside height, including Land Use Policy LU-1.4b and LU-1.4c, the Community Plan lists such programs as guidelines. Projects which deviate from the guidelines may be considered, if the proposal is consistent with the objective and purpose of the plan and the intent of the plan (Tamalpais Area Community Plan, Section III (D), page III-35), as it has been determined to be by the Design Review findings below and the Tamalpais Design Review Board.
- V. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Variance per Section 22.54.050 of the Marin County Zoning Code can be made for the proposed finished height of 42 feet, 5 inches of 56 square feet of additional floor area at the rear of the residence and the front yard setback encroachment of 100 square feet of understory residential development based on the following findings:
  - A. **There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.**

This property is on Madrone Park Circle, a neighborhood which was largely built prior to current zoning and other development standards, which include issues with many surrounding properties with regards to steep slopes, roadway access, and parking. In this instance, the residence was originally constructed in 1925, before the first zoning ordinance was adopted in Marin County. The property, at this time, is conventionally zoned which calls for specific standards to be met prior to being issued a new building permit. In many situations in this community, Variances are necessary in order to

have a proposed project considered. However, per State law, Variances are undertaken on a case-by-case basis and precedent is not a factor.

While the steepness of residential parcels in the neighborhood is a common constraint, the average lot slope for this property is approximately 68%, while the average lot slope of hillside lots in the neighborhood is generally 40% to 50%, making this property one of the steepest lots in the neighborhood and, therefore, a special circumstance applicable to the property. Pursuant to Government Code section 65906, a Variance may be granted when there are specific physical circumstances that distinguish the project site from its surroundings.

Development on the subject property is not only constrained by the steepness of the downsloping lot, the existing residence is sited at the front of the property, having an existing front yard setback of 4 feet, 10 inches, as the original residence, constructed in approximately 1925, was sited at the extreme upslope front portion of the parcel. Therefore, it is not possible to convert a small portion of understory at the front of the residence into additional living space without encroaching into the required front yard setback, nor is it possible to add a small addition to the modest-sized residence at the front of the existing residence without encroaching into the required front yard setback. It is problematical to add a small addition at the rear of the residence without exceeding the height limit on the extremely downsloping parcel, while maintaining the integrity of the current design and roof-line. The current height of the residence from roof ridge to grade is approximately 36 feet at the point where the 56 square feet of additional floor area is proposed in order to convert a substandard height loft area into habitable space.

The project entails adding 56 square feet of additional floor area at the point where the existing residence is over 35 feet, resulting in a height of 42 feet, 5 inches from roof ridge to grade, on the steep downslope grade of the site, in order to allow the continuation of the pitch of the existing roof. The extreme steepness of the slope of the property and the existing physical conditions of the property make the proposed project consistent with this finding.

**B. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.**

The Variance is limited to the proposed remodel and additions to the existing single-family residence and is intended for residential use. The property is zoned R-1:B-1, which is a single family residential zoning district, allowing residential use. Therefore, the granting of the Variance does not allow a use or activity which is not authorized by the zoning district and the proposed project is consistent with this finding.

**C. That granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.**

The purpose of granting a Variance is to allow development on uniquely constrained properties that achieves parity with the development in the surrounding area. The proposed 56 square feet of additional floor area at the rear of the residence that requires the height variance and the conversion of 100 square feet of understory to living area at the front of the residence that requires the front yard setback variance

and the resultant 2,326 square foot residence are modest in nature and consistent with the surrounding residential development. Granting the Variance would, therefore, not result in a special privilege inconsistent with the limitations of development upon other properties in the vicinity because the extreme slope of the property, in this case 68%, and the existing physical conditions of the site are special circumstances, and the project would not result in any public detriment. Therefore, the proposed project is consistent with this finding.

**D. That granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The project has been reviewed and conditioned by the Department of Public Works, the Southern Marin Fire Protection District, and the Marin Municipal Water District. The project has been deemed to be consistent with applicable design and safety standards, and the project would not result in adverse visual effects to the character of the surrounding community or impact views or privacy of surrounding properties. Additionally, letters of support from surrounding neighbors and residents of the community, which can be found in the public record, as well as the Tamalpais Design Review Board have found the design to be acceptable. Also, the project would be subject to review and compliance with the most current Uniform Building Code during the building permit review process. Furthermore, the project would provide two off-street parking spaces and provide improvements to Madrone Park Circle. Therefore, the project is consistent with this finding.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent as modified by conditions of approval with the mandatory findings to approve the Design Review application (Section 22.42.060 of the Marin County Code) as specified below.

**A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community;**

The conditions of approval require the height of the new garage to be reduced from 35 feet in height to a maximum of 30 feet in height, as Finding A cannot be made as it pertains to the proposed 35-foot high garage, which results in excessive massing, height, bulk, and scale incompatible with other garages in the surrounding neighborhood and incompatible with the site. Reduced to 30 feet in height, the scale and setbacks of the garage would be consistent and compatible with the site and the surrounding neighborhood. The proposed design, setbacks, and scale of the finished residence would not substantially increase the bulk and massing of the existing residence and would maintain the design consistency and integrity of the existing residence and would be compatible with other residences found in the surrounding neighborhood. The small addition at the rear of the residence does not substantially increase the residential footprint on the small, steeply sloping lot. Construction of the project would conform to a principally permitted residential use in the governing R-1:B-1 zoning district. Finally, the design of the project as modified by conditions of approval would respect the surrounding natural environment, and would utilize colors and materials consistent with the prevailing community character. Therefore, as modified by conditions of approval, the project is consistent with this finding.

**B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation;**

As modified by conditions of approval, with the height of the new garage reduced to a maximum of 30 feet in height, and the requirement for implementation of a comprehensive landscape plan per the principles and guidelines of "Planting Design for Hillside Residential Development" contained in Appendix L of the "Single-family Residential Design Guidelines", the proposed project would be consistent with this finding. Since portions of the proposed renovations and additions will be visible to the larger community downhill from Madrone Park Circle and could lead to potential privacy concerns from downhill neighbors, in order to ensure that adequate privacy and screening from view of the residential development is maintained for downhill residents, the project has been conditioned to include a comprehensive landscape plan that will provide screening and softening of the resultant residential development, which should include additional native trees and vegetation along the rear of the development. The project as conditioned would avoid adverse effects to the air, light, and privacy enjoyed on surrounding properties. In addition, rights-of-way and pathways for circulation will not be impacted. Therefore, the project, as conditioned, is consistent with this finding.

**C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements;**

With the requirement for implementation of a comprehensive landscape plan per the principles and guidelines of "Planting Design for Hillside Residential Development" contained in Appendix L of the "Single-family Residential Design Guidelines", the proposed project would be consistent with this finding. The proposed residential development will provide adequate setbacks from property lines and adjacent residential development. The requirement for implementation of a comprehensive landscape plan, including the requirement for fire resistant plant species, will provide adequate landscaping on a residential parcel currently virtually void of landscaping. Therefore, the project, as conditioned, is consistent with this finding.

**D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads);**

The proposed project site is subject to steep slopes, but the project is situated close to the front of the property. This minimizes the necessary amount of cut and fill or reforming of terrain. Therefore, the project is consistent with this finding.

**E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

As modified by conditions of approval, with the height of the new garage reduced to a maximum of 30 feet in height, and the requirement for implementation of a comprehensive landscape plan per the principles and guidelines of "Planting Design for Hillside Residential

Development” contained in Appendix L of the “Single-family Residential Design Guidelines”, the proposed project would generally comply with the Single-family Residential Design Guidelines. As proposed, the new garage does not comply with guidelines contained in D-1.5 Hillside Design as the steeply pitched roof line, with a proposed height of 35 feet, has a form, mass, profile and height that does not visually blend with the hillside setting, nor is the slope of any part of the roof oriented in the same direction as the natural slope. The existing residence, with steeply pitched roofs, was built before the implementation of the County’s “Single-family Residential Design Guidelines” and the small addition at the rear of the residence, which has been designed with a roof pitch consistent with the existing roof pitch, will maintain the profile and design integrity of the existing residence without significantly impacting the existing hillside setting. In particular, the project would further the goals of the following guidelines:

- Design Guideline A-1.1: The project would not result in the removal of healthy, mature, native trees.
- Design Guideline A-1.4: The project is largely towards the front of the property and would minimize the amount of new grading.
- Design Guideline C-1.1: The project maintains setbacks that are commonly found in the larger community of Madrone Park Circle.
- Design Guideline D-1.1: The project adequately divides up the mass of the proposed project to minimize its overall effective visual bulk.
  - Design Guideline D 1.5: The project as modified by conditions of approval requiring a maximum height of 30 feet for the new garage is consistent with this finding.
- Design Guideline D-1.7: The proposed building materials would compliment the surrounding natural and built environment.
- Design Guideline E-1.1: The project will comply with the green building requirements of Marin County’s Green Building program.

In addition, the proposed project is consistent with all of the Planned District Development Standards, intended to implement the policies of the Marin Countywide Plan and preserve the character of the local community and in particular with the following standards:

- Development standard G. requires facilities and design features called for in the Marin Countywide Plan, including construction techniques to minimize consumption of resources. The proposed project would attain at least a “Certified” green building rating, including reuse or recycling of job site construction and demolition waste, use of Forest Stewardship Council (FSC) certified wood for framing, installation of flow reducers in faucets and showerheads, and installation of “Energy Star” appliances.
- Development standard K.1 limits the height of primary structures to 30 feet and accessory structures to 15 feet, except in unusual circumstances resulting from irregular site characteristics, such as topography, where the requirement can be waived so long as the structure(s) will not impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights-of-way. Due to the excessive steepness of the



slope of the property, Design Review and Variance findings can be made to approve the height of the residence over 30 feet, while limiting the height the new garage to 30 feet, the proposed project will not impinge on adjacent properties and a height waiver can be granted.

- Development standard K.2 indicates that building materials should be chosen that would blend into the natural environment unobtrusively. The exterior materials would be compatible with the character of the local community.

Therefore, the project is consistent with this finding.

**F. The project is designed to conserve energy and natural resources by meeting the green building standards found in Table 4-6 of the Marin County Code Chapter 22.42.060; and**

The proposed project utilizes green building techniques, that would result in a 192 green building rating per the County's "Green Building Residential Certification Form". In addition, upon application for a building permit, the project is subject to Green Building standards identified in Table 4-6 of the Marin County Code Chapter 22.42.060, which must be met prior to final building permit inspection. Therefore, the project is consistent with this finding.

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

As modified by conditions of approval:

1. The project would be consistent with the R-1:B-1 (Residential, Single Family) land use designation;
2. The project will be consistent with the policies of the Tamalpais Area Community Plan and Appendices pertaining to design and development in the Homestead Valley Area of the Tamalpais Area Community Plan as noted above in Section I (IV). While the guidelines established by the plan for hillside lots limit building height to 30 feet above natural grade, deviations of this are permitted if what is being proposed meets the intent of the plan. In addition, the Tamalpais Design Review Board has found that the project is consistent with the intent of the community plan and is in the interest of the community;
3. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);
4. 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. To minimize the risk of fires and ensure adequate fire protection, the Southern Marin Fire Protection District will ensure compliance with fire safety codes and standards including an approved vegetation fire

management plan. (CWP Policies, Environmental Hazards Policies, EH-4.1, EH-4.2, EH-4.c, EH-4.d, Community Design Policies DES-1.1, DES-1.g, DES-4.c, DES-5.1);

5. 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. The project will provide two off-street parking spaces and provide improvements to Madrone Park Circle. (CWP Policies, Biological Policy, BIO-4.20);
6. Per the submitted Biological Assessment, provided by Jeff Dreier, Biologist, for WRA Environmental Consultants, the project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1 and BIO-2.1);
7. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance due to the project needing to meet a Green rating under the Marin Green Home: Green Building Residential Certification Program (CWP Policies, Energy and Green Building EN-3.1 and EN-3.a).

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

### **Marin County Community Development Agency, Planning Division**

1. Pursuant to Chapter 22.42 (Design Review) and Chapter 22.54 (Variance) of the Marin County Code, the Storek Design Review and Variance allows for the construction of a total of 258 square feet of additions on two levels of the existing residence, a 480 square foot garage, a new deck, patio and renovations of portions of the existing 2,068 square foot residence on an 8,149 square foot lot. The 2,326 square foot resultant residence, with garage, shall have a maximum floor area ratio of 28.5%. The deck and street level addition shall maintain the following minimum setbacks: 1) 29 feet from the southerly front property line; 2) 34 feet from the northerly rear property line; 3) 7 feet from the easterly side property line; and 4) 67 feet from the westerly side property line. The garage shall maintain the following minimum setbacks: 1) 3 feet 11 inches from the southerly front property line; 2) 63 feet from the northerly rear property line; 3) 4 feet 7 inches from the westerly side property line; and 4) 69 feet from the easterly side property line. The residence shall maintain a maximum height of 42 feet, 5 inches at the rear downslope, with a maximum of 56 square feet of additional floor area at this height. The garage is approved with a maximum height of 30 feet from the highest roof ridge to the natural or finished grade, which ever is more restrictive. The project also is approved with: Madrone Park Circle on the applicant's side of the roadway being expanded from 1 ½ feet at the westerly edge of the existing residence to 8 feet at the westerly edge of the garage, with an 8 foot maximum height from grade retaining wall facing the roadway. The construction of the garage and roadway improvements shall constitute the first phase of project approval. The subject property is located at **16 Madrone Park Circle, Mill Valley** and is further identified as **Assessor's Parcel 048-021-03**.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "16 Madrone Park Circle Mill Valley CA APN# 048 021 03 Addition/Remodel," consisting of fourteen sheets prepared by Storek Architecture, dated December 14, 2009 and received on December 16, 2009 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
  - The garage shall attain a maximum height of 30 feet to natural or finished grade, whichever is more restrictive.
3. This approval in no way approves encroachments into the 10 foot existing pedestrian pathway and no new encroachments, including the new roof, are allowed by the approval of this project.
4. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Rich Storek Architecture, received September 4, 2009, and on file with the Marin County Community Development Agency including:
  - a. Cedar shingle siding, natural stain
  - b. A dark brown "Standing Seam Metal Roof"
  - c. White window/door casing
  - d. Sky blue window/door trim

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

5. 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.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front and side yards, the distance of the building from the nearest property line at the closest point
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to the Community Development Agency for review and approval a comprehensive landscape plan per the principles and guidelines of "Planting Design for Hillside Residential Development" contained in Appendix L of the "Single-family Residential Design Guidelines", including fire retardant plantings.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a letter from the Marin Municipal Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
9. Exterior lighting shall be shielded so as not to cast glare on nearby properties.

10. 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.
11. All construction activities shall comply with the following standards:
12. 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.
13. 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.
14. 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.
15. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front and side 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

Comment [TL1]: Pick the relevant property lines.

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 and side 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.

**Comment [TL2]:** Pick the relevant property lines.

16. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the additions achieve a maximum height of 35 feet above grade.
17. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
19. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Southern Marin Fire Protection District have been met.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall prepare and submit for review and approval by the Community Development Agency staff in consultation with the Department of Public Works staff a Construction Management Plan, which includes, but is not necessarily limited to, the following provisions:
  - a. The construction of the garage and roadway improvements shall constitute the first phase of construction.
  - b. The plan shall include provisions for construction traffic control (including use of flag persons, appropriate signs, etc) to ensure that vehicular traffic will continue to occur safely during construction activities.
  - c. The plan shall include provisions to notify residents along Madrone Park Circle of the general time frame and specific dates where there may be impediments to the use of Madrone Park Circle due to delivery of equipment or materials or construction activities. Written notification shall be given to the affected residents and copied to the Community Development Agency approximately 72 hours prior to construction activity that blocks the use of Madrone Park Circle.
  - d. The plan shall include a designated staging area for storage of supplies and building materials.
  - e. The plan shall include a car-pooling and parking plan for construction workers.
21. BEFORE ISSUANCE OF A BUILDING PERMIT for the residence, the garage will be constructed and used as a staging area for the residential development.

**Comment [TL3]:** This condition applies to any structure that is located up to or within 1 foot of the minimum required setback on conventionally-zoned properties OR that is located within 5 feet of a property line on properties located in a planned zoning district. This condition may also be used to verify compliance with setbacks from important site features, such as wetlands and streams. However, please exercise your discretion in imposing this requirement on other discretionary applications which do not meet the criteria above.

22. 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.

Marin County Public Works Department, Land Development Division

23. BEFORE ISSUANCE OF A BUILDING PERMIT, the proposed fence/retaining wall shall be built at least 4 feet back from edge of pavement.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, on sheet L1.2, the applicant shall clarify if the drywells are existing or proposed. Also show how the downspouts are being connected to the drywells.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site retaining walls, and drainage plans. Plans must have the engineer's signature and stamp.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an erosion and siltation plan.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, 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.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest these Design Review and Variance approvals by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before May 13, 2012, or all rights granted in these approvals 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 22.56.050.B.3 of the Marin County Code.

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.

**Comment [TL4]:** Do not use this paragraph if the project is intended to resolve a code enforcement violation.

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 27, 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 13<sup>th</sup> day of May 2010.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary