

MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **JO ANN BANK**

Application (type and number): Variance (VR 10-9)

Assessor's Parcel Number: 046-320-08

Project Location: 610 Edgewood Avenue, Mill Valley

For inquiries, please contact: Kristina Tierney

Decision Date: June 17, 2010

**DETERMINATION: Approved with Conditions**

Minutes of the June 17, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-13.

Marin County Community Development Agency

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Jeremy Tejirian, AICP  
Hearing Officer

**C1. VARIANCE (VR 10-9): JO ANN BANK**

**KT**

A proposal to construct a new walkway connecting the street to the residence and modifications to the existing flat roof to incorporate two gables to prevent leaking and to break up the mass of the roof. In order to construct the walkway, one redwood tree, measuring 5 inches in diameter would be removed. Variance approval is required because the existing residence is partially constructed within the road right-of-way of Edgewood Avenue and therefore the proposed modifications are both within the front setback area and the road right-of-way. The property is addressed as **610 Edgewood Avenue, Mill Valley**, and is further identified as **Assessor's Parcel Number 046-320-08**.

In response to the Hearing Officer, staff presented Conditions of Approval that were omitted from the staff report. The Hearing Officer read and reviewed the changes.

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

The Hearing Officer concurred with staff's analysis and recommendation and approved the Bank 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

A RESOLUTION APPROVING THE BANK VARIANCE  
610 EDGEWOOD AVENUE, MILL VALLEY  
ASSESSOR'S PARCEL 046-320-08

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**SECTION I: FINDINGS**

- I. WHEREAS Jo Ann Bank submitted a Variance application to allow for the addition of two gables to the existing flat roof and the construction of a new walkway within the front yard setback and Edgewood Avenue road right-of-way. The gables would have a maximum height above existing grade of 30 feet and the walkway would extend approximately 17 feet from the road shoulder to the residence. Variance approval is required because the improvements would be located within the front yard setback and the road right-of-way where a 25 foot front setback is normally required by the R1:B2 zoning district. The property is addressed as 610 Edgewood Avenue in Mill Valley and can be further identified as Assessor's Parcel number 046-329-081.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 17, 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 15301, Class 1 because it consists of minor additions to an existing single family residence would not result in any 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 comply with the SF-5 land use designation (single family residential) and R1:B2 zone district regulations with approval of the proposed Variance to setbacks.
  - B. 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.
  - C. 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.
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
  - E. The project would minimize soil disturbance and maximize retention of natural vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Tamalpais Area Community Plan because:

- A. The proposed project would retain the residential character that is representative of the Tamalpais community.
- B. The proposed project would include minimal removal of vegetation and trees.
- C. The project would not require any grading.

VI. WHEREAS the Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Variance (Section 22.54.050 of Marin County Code and Section 65906 of the California Government Code), as specified below:

**A. There are special circumstances applicable to the property (e.g. locations, 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.**

The steep slope of the lot constitutes special circumstances so that strict application of the front yard setback requirements would deny the property owner privileges enjoyed by other property owners in the vicinity. The topography descends steeply from Edgewood Avenue to such a degree that the front of the residence, which is located within the Edgewood Avenue road right-of way, is approximately 12 feet above grade. As a result of the steep slope, pedestrian access to the residence is very limited and the new walkway would improve access. The Variance for the revised roof pitch would allow the applicant to raise the existing flat roof to minimize leaks in the future. As the residence is located substantially downhill from any neighbors across Edgewood, the additional height from the gables would not cause any visual impacts. Further, the majority of residences in the area have gable roofs and adequate pedestrian access to Edgewood. Additionally, a substantial number of residences enjoy reduced front yard setbacks due to the steep topography. Therefore granting the Variance would allow the property owners to enjoy the existing privileges of the neighbors.

**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 granting of the Variance would allow the property owner to improve their flat roof and improve pedestrian access to the property. The project would support the continued use of the property as a single-family residence, a use that is authorized by the governing R1:B2 zoning district.

**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 proposed alteration to the roof and construction of the walkway would allow the owner to improve the functionality of her roof and improve pedestrian access to her property, both of which are consistent with development patterns in the area. The steep downward slope of the property from the street makes it extremely difficult to make any improvements to the existing residence without a Variance. Were another parcel to face similar topographic and

locational limitations, it would receive similar considerations. Therefore, the proposed Variance does not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

**D. That granting the Variance will not be detrimental to the public interest, health, safety, conveniences, 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 surrounding neighborhood is developed with a mix of single-family homes of various sizes and styles. The proposed modifications would be compatible with the character of this area, and would improve the appearance of the residence by reducing the mass and bulk of the roof. Therefore, the granting of the Variance will not be detrimental to the public interest, health, safety, conveniences, or welfare.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bank Variance subject to the following conditions:

Community Development Agency – Planning Division

**STANDARD CONDITIONS**

1. Pursuant to Marin County Code Sections 22.54.050 (Variance) the Bank Variance is approved for the following: 1) construction of a new walkway extending 17 feet from the shoulder of Edgewood Avenue to the residence; 2) construction of two gables to the existing roof with a maximum height of 30 feet above grade to prevent leaking; and 3) the removal of one 5 inch redwood tree. Variance approval is required because the project is within the front yard setback and the road right-of-way of Edgewood Avenue.

**The subject property is located at 610 Edgewood Avenue, Mill Valley, and is further identified as Assessor's Parcel 046-320-08.**

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," and received February 9, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. 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 VR 10-9 conditions of approval as notes.
4. 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 yard, the distance of the building from the nearest property line at the closest point.
5. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff

advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

6. All construction activities shall comply with the following standards:
  - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
  - c. 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.
7. 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 an approval of this application, for which action is brought within the applicable statute of limitations.
8. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

9. All raised structures, including stairs, gates, hand rails, etc., shall be setback at least 4 feet from the edge of pavement of the existing road. The proposed lights at either side of existing driveway shall also be setback 4' from edge of pavement.
10. Based on the spot elevations provided on the survey, sheet 4, the driveway slope is approximately 21%. Per MCC §24.04.300, driveways over 18% grade shall be surfaced with P.C.C and given a broomed or otherwise roughened finish. Note this on the site plan.
11. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner.
12. A Recorded encroachment Permit will be required for improvements within the road right of way.
13. Provide a drainage plan for property.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing all approved work by June 17, 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 Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on July 1, 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 17<sup>th</sup> day of June, 2010.

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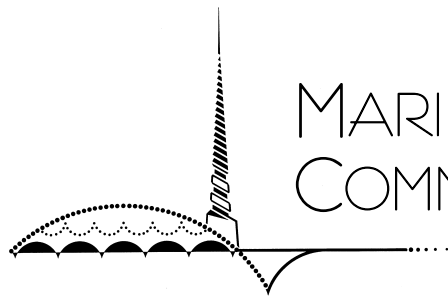
JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary





# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## NOTICE OF DECISION

Applicant's Name: **JAMES LAWS**

Application (type and number): Coastal Permit (CP 10-21), and Minor Design Review (DM 10-22)

Assessor's Parcel Number: 112-112-15

Project Location: 180 Kieth Way, Inverness

For inquiries, please contact: Lorene Jackson, Planner

Decision Date: June 17, 2010

**DETERMINATION: Approved with Conditions**

Minutes of the June 17, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-26.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**C2. COASTAL PERMIT (CP 10-21) AND  
MINOR DESIGN REVIEW (DM 10-22): JAMES LAWS**

**LAJ**

A proposal to consider the Laws Coastal Permit and Minor Design Review applications to construct of a new, 750-square foot, detached structure that would be accessory to an existing 2,700-square foot single-family residence on a 1-acre lot. The one-story, 15-foot high structure would result in an 8% floor area ratio. The exterior wall of the structure would have the following minimum setbacks: 43 feet from the southerly front property line and 6 feet from the easterly side property line. The zoning for this parcel is C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres) and C-RSP-0.5 (Coastal, Single-family Residential Planned, 1 unit/2 acres). The subject property is located at **180 Keith Way, Inverness**, and is further identified as **Assessor's Parcel 112-112-15**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The Hearing Officer concurs with staff's recommendation and approved the project with the following modifications to the resolution:

- SECTION I: FINDINGS VI.D – Delete comment that since the site is already developed it is unlikely that archaeological resources are located there.
- SECTION I: FINDINGS VI.E and Conditions of Approval - Require the applicant to replant 4 oak trees.

The Hearing Officer concurred with staff's analysis and recommendation and approved the Laws Coastal Permit and Minor 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) business days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO10-124

A RESOLUTION APPROVING THE LAWS  
COASTAL PERMIT AND DESIGN REVIEW  
180 KEITH WAY, INVERNESS  
ASSESSOR'S PARCEL 112-112-15

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**SECTION I: FINDINGS**

- II. WHEREAS the applicant, on behalf of the owners, is requesting Coastal Permit and Minor Design Review approval to construct a new, detached 750-square foot structure with a 345-square foot deck that would be accessory to an existing 2,700-square foot single-family residence with a 640-square foot garage on a 1-acre parcel. The one-story, 15-foot high structure would result in an 8% floor area ratio and would maintain the following setbacks: (1) 43 feet from the southerly front property line, (2) 6 feet from the easterly side property line, (3) 88 feet from the westerly side property line; and (4) 225 feet from the northerly rear property line. The subject property is located at **180 Keith Way, Inverness** and is further identified as **Assessor's Parcel 112-112-15**.
  
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing June 17, 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 because it entails construction of a new accessory structure on a developed lot that would not result in potentially significant impacts to the environment.
  
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
  - A. The proposed project would comply with the C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres) and C-RSP-0.5 (Coastal, Single-family Residential Planned, 1 unit/2 acres) land use designations because the structure is an accessory to the single family use of the property;
  - B. The proposed 15-foot high, 750-square foot accessory structure would result in development which conforms to the governing standards related to building height and size;
  - C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
  - D. The proposed 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;

- E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
- F. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Inverness Ridge Communities Plan because:

- A. The project would involve the construction of an accessory structure on a developed property, which is a permitted use under the governing zoning district and would be compatible with the surrounding residential uses.
- B. The project would be architecturally consistent with its surroundings, would not be unsightly in design, and would not create substantial disharmony with its locale and surroundings.
- C. The accessory structure would not exceed 15-feet in height and would be clustered on the property near the existing single-family residence and garage.
- D. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Coastal Permit findings pursuant to Marin County Code Section 22.56.130I and that this project conforms to the requirements of Local Coastal Program, Unit 2, for the reasons listed below:

**A. Water Supply:**

The Inverness Public Utilities District currently serves the subject property and, as conditioned, may require an upgrade of the water supply line for the project. The District did not present opposition to the project.

**B. Septic System Standards:**

The subject property is currently served by an on-site water disposal system. As a condition of approval, the applicant would be required to apply for a minor modification septic permit with Environmental Health Services and submit supporting data. Septic system upgrades may be necessary, depending on the condition of the existing system.

**C. Grading and Excavation:**

Because of the site's slope, the proposed structure will be set into the hillside to minimize its visibility. This would result in the excavation of approximately 180 cubic yards of soil that would be distributed on site under the direction of the geotechnical engineer's recommendation. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

**D. Archaeological Resources:**

Review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the currently developed property is located in an area of high archaeological sensitivity. However, a standard condition of project approval requires 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 entail construction of a new accessory structure and, if approved as a second unit, would increase the availability of housing stock in Inverness.

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

The location of the project site is not subject to the stream or riparian protection policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program, nor is it located near any stream indentified on the U.S. geological Survey Maps. A site visit by a biologist confirmed that no areas exist on the property that would be defined as a wetland and that the nearest stream is located more than 500 feet from the project.

**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 indicates that the subject property is not located in an area potentially containing rare wildlife species. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated that the subject property is in a potential habitat area for following special statue species: Point Reyes Mountain Beaver and the Northern Spotted Owl. A Biological Assessment prepared by Gary Deghi, Huffman-Broadway Group, Inc, including site visits on March 9 and April 21, 2010, concluded that the proposed project would not result in any significant adverse impacts on special status plant or animal species. It is noted that the closest Northern Spotted Owl nest is located over 984 feet to the south of the property, a distance at which no significant auditory and visual disturbance would occur from the proposed construction.

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

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated no mapped Federal endangered plant species on the subject property. The Natural Diversity Database indicates the potential location of the following special status species: Marin Knotweed, Lyngbye's Sedge, Marin Checker Lily, Coast Lily, Marin Hesperian, North Coast Phacelia, and Marin Manzanita. The Biological Assessment prepared for the project indicated that these species were not found and would not occur in the portion of the site proposed for new construction. Nearly all the vegetation in the immediate vicinity of the existing residence is non-native landscape or ornamental species and does not provide habitat for special status plant species.

**K. Shoreline Protection:**

This finding is not applicable. The project site 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 is situated outside the high risk area for seismic activity of the San Andreas Fault Zone. The Alquist Priolo Special Studies Act (Chapter 7.5, Section 2621.8) exempts construction of single-family residences from requirements to prepare a seismic assessment of the project site. Furthermore, through the building permit process, construction of the proposed development will be reviewed for compliance with all applicable building codes adopted by the County.

**M. Public Works Projects:**

This finding is not applicable. The proposed project will not affect any existing or proposed public works project in the area.

**N. Land Division Standards:**

No land division or lot line adjustment is proposed as part of this project.

**O. Visual Resources:**

The height, scale, and design of the proposed development is compatible with the character of the surrounding community because it would not exceed a height of 15 feet above grade. The proposed structure will not obstruct public views of the coast and will be screened by topography, tree canopies, and an existing fence. A condition of approval requires that all utilities serving the project site to be placed underground.

**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.

**Q. Historic Resource Preservation:**

The subject property is not located within any designated historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

IX. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Design Review findings pursuant to Marin County Code Section 22.82.040I for the reasons listed below.

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

As noted in Section IV, V, and VI above, the project complies with the findings required for Coastal Permit Application and the policies of the Countywide Plan and Inverness Community Plan.

**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 is consistent with this finding because the accessory structure would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development. The design of the structure is consistent with the architectural design of the existing single-family residence and is compatible with the community and the site surroundings. The accessory structure would be located behind an existing fence and partially screened by existing trees. The uphill portion of the structure would be set into the hillside, with minimal visibility to the public or neighbors.

**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;**

The project would maintain sufficient setbacks from all property lines so that the project would not result in the loss of light or privacy to adjacent neighbors. All development would 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 proposed project is located entirely within the subject parcel and would not result in development that would impact future improvements to the surrounding properties.

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

The proposed project would result in the removal of one 24-inch diameter Coastal live oak. Three other oaks were removed on the building site in 2009, along with native undergrowth. While the property is heavily wooded, conditions of approval require the applicant to plant four replacement oak trees as located by the consulting arborist, with one sited down slope of the accessory structure, to offset the loss of native trees and provide screening. No additional landscaping is proposed or required. Any areas disturbed by construction must be reseeded with native grasses for erosion control. Native understory should regenerate.

**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 proposed project has been designed to minimize adverse visual effects related to design and building mass. The uphill portion of the structure would be cut into the hillside so that the structure is approximately 9 feet above grade on the southerly uphill side facing the road. The project incorporates articulations and height changes, which minimize overall mass and bulk. There are no unbroken vertical walls on the structure. It has also been designed to meet all height standards of the LCP, Unit 2, and Title 22I.

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

All conceptual plans have been reviewed by the Department of Public Works (DPW) and, as conditioned, are approvable.

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

The project would result in approximately 180 cubic yards of cut, which would be used on site. Grading would be limited to the footprint of the structure.

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

The proposed project has been reviewed by DPW to ensure that no work would be located within rights-of-way or affect the movement of people or vehicles. No new fencing is proposed that would affect the circulation of animals.



- 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 applicant is proposing construction that would meet the Green Building Rating of "Silver." Additionally, the project would be required to meet Title 24 and Ordinance 3492 for the conservation of natural resources and energy consumption. As noted in B above, the design is compatible with the prevailing architectural style in the neighborhood.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Laws Coastal Permit (CP 10-21) and Minor Design Review (DM 10-22) subject to the following conditions:

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

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82.040I (Design Review) of the Marin County Interim Zoning Ordinance, the Laws Coastal Permit and Minor Design Review is approved to construct a new, detached 750-square foot structure with a 345-square foot deck to be used as a second unit, subject to County administrative approval of a second unit permit, accessory to an existing 2,700-square foot single-family residence on a 1-acre parcel. The one-story, 15-foot high structure is approved to maintain the following setbacks: (1) 43 feet from the southerly front property line, (2) 6 feet from the easterly side property line, (3) 88 feet from the westerly side property line; and (4) 225 feet from the northerly rear property line. The subject property is located at 180 Keith Way, Inverness and is further identified as Assessor's Parcel 112-112-15.
1. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 4 sheets prepared by Paul Korhummel, dated and received May 5, 2010, and on file in the Marin County Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede Exhibit A.
  - a. Provide a landscape plan showing tree replacement of four Coast live oak trees, to be at least 15-gallon size, with at least one located down slope of the new accessory structure.
  - b. Revise sheet 1 to reference the correct project address at 180 Keith Way, Inverness and correct floor area ratios.
3. Approved exterior building materials and colors shall substantially conform to the elevations in Exhibit A and the materials sample board identified as **Exhibit B**, received December 18, 2009, and on file with the Marin County Community Development Agency including:
  - a. Siding – Cedar shingle, cedar board and batten, and Buckskin stucco
  - b. Roof – Weatherwood composition shingle

- c. Trim – Cedar shingle
- d. Sash/Metal Flashing – Dark anodized bronze

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

- 4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
- 5. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees and vegetation in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
- 6. Only those trees identified in **Exhibit A** shall be removed for this project. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or general welfare. If additional trees are proposed for removal, the applicant shall obtain prior written approval from the Director for such action. Replacement trees may be required.
- 7. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
- 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:
  - d. 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.

- e. 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. 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 an approval of this application, for which action is brought within the applicable statute of limitations.
12. 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.
13. If the presence of the northern spotted owl (*Strix occidentalis caurina*) is found at or near the site during the construction process, all construction activities shall cease, and the Community Development Agency staff shall be notified. A qualified wildlife biologist shall assess the site and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect the owls and the nesting activity. 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 the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. An amendment to the permit may be required to implement mitigations to protect the owl species.
14. BEFORE FINAL INSPECTION, the applicant shall:
  - a. Submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level;
  - b. Plant the required four replacement trees; and
  - c. Re-contour to a natural state and for erosion control measures, reseed with native grass, all areas that have been disturbed by construction and grading.

## Department of Public Works

### PRIOR TO ISSUANCE OF A BUILDING PERMIT,

15. Provide more detail on the outfall energy dissipation facilities. The drainage and grading plans shall be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
16. Submit Erosion and Siltation Control plans.
17. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading and drainage 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.
18. The plans shall be reviewed and approved by a 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.

## Environmental Health Services

### PRIOR TO ISSUANCE OF A BUILDING PERMIT,

19. Apply for a minor modification septic permit with Environmental Health Services and submit supporting data. Septic system upgrades may be necessary, depending on the condition of the existing system.
20. The primary residence and second unit will need to be fitted with low flow water fixtures.
21. Provide a will-served letter for water service from the Inverness Public Utility District.

### Inverness Public Utility District – Fire Department

22. Interior residential fire sprinklers are required for the accessory structure per Marin County Code.
23. Street address shall be posted where readily visible from Keith Way. Street address numbers shall be at least four inches in height and made of reflective material.
24. The subject property is within the jurisdiction of the Inverness Fire Department and therefore review and approval of the vegetation management plan will be performed by the Inverness Fire Department.

### Inverness Public Utility District – Water System

25. Installation of the fire sprinklers may require upgrading the size of the water service. If a service upgrade is needed, the property owner will have to enter into a written agreement with the Water System to upgrade the property's meter and connection to the main.

**SECTION III: VESTING 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 **June 17, 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 22.56.120I 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.

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 June 24, 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 17<sup>th</sup> day of June, 2010.

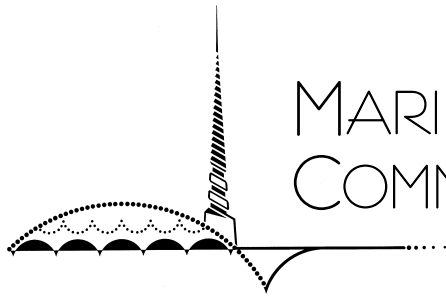
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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **Jeffrey Pratt**  
Application (type and number): Variance (VR 10-18), and Design Review (DM 10-83)  
Assessor's Parcel Number: 146-340-82  
Project Location: 15 Wildwood Lane, Novato  
For inquiries, please contact: Daniella Hamilton, Planner  
Decision Date: June 17, 2010

**DETERMINATION: Approved with Conditions**

Minutes of the June 17, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**H1. VARIANCE (VR 10-18) AND DESIGN REVIEW (DR 10-83): JEFFREY PRATT DH**

A proposal to allow construction of a 1,053 square foot, 3 car garage, a 34 square foot ground floor addition, a 744 square foot, second story addition, and a new, 712 square foot ground level wrap around covered porch on the existing 1,518 single family residence on a 2.8 acre property, which, in combination with existing accessory structures and the 683 square foot caretaker unit, would have a total building area of 11,787 square feet and a floor area ratio (FAR) of 9%. Design Review is required for development in excess of 4,000 square feet in a Planned District, and a Variance is required for FAR in excess of 5% in the A-10 zoning district. The proposed project would maintain setbacks of more than 100 feet from the northwest front property line, the northeast side property line, and the southeast rear property line, and 33.11 feet from the southwestern side property line. The zoning for this property is A10. The subject property is located at **15 Wildwood Lane, Novato**, and is further identified as **Assessor's Parcel 146-340-82..**

In response to the Hearing Officer, staff acknowledged additional comment letters from Elizabeth Bridges and Joseph Misniewski requesting that the project be denied. Concerns were raised about manure control, drainage and re-zoning from A-10 to A-234 – AG2.

The public testimony portion of the hearing was opened.

The applicant was present but did not wish to speak.

Elizabeth Bridges spoke for Mary Jane Ceraldi, regarding concerns with drainage and manure issues.

Jeffrey Pratt, applicant, spoke regarding his manure management plan. He noted that Janet Mullen, Environmental Health Services directed him to use sandbags to slow down the drainage.

In response to the Hearing Officer, Michel Jeremias, Department of Public Works spoke regarding her site visit and noted that she did not see an impact from the garage. Recommendations to install barriers were made to the owners and Condition of Approval 2 will become part of the record to insure that there is no additional runoff. A drainage plan prepared by a civil engineer will be requested from the architect to assure that no drainage flows to the neighboring property.

The Hearing Officer, after making a site visit and reviewing the plans, approved the project with the following modifications to the resolution:

- SECTION II: CONDITIONS OF PROJECT APPROVAL (DR 10-83) and VR 10-18): North Marin Water District 1. If fire sprinklers are required, replacement of the ¾-inch lateral and the 5/8-inch meter will be necessary in order to provide the flow required by the sprinkler system. If applicable, the applicant shall contact the District to arrange for this upgrade. 2. The project shall conform to District Regulation 15 – Mandatory Water Conservation Measures. And 3. Before Issuance of Final Inspection and occupancy of the project, the required water service upgrade shall be completed and/or compliance with water conservation measures shall be verified.”

- SECTION II: CONDITIONS OF PROJECT APPROVAL (DR 10-83) and VR 10-18): Novato Fire Protection District 1. Before Issuance of Final Inspection and occupancy of the project, the applicant shall comply with all District requirements.

The Hearing Officer concurred with staff's analysis and recommendation and approved the Pratt Variance 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 ten (10) business days.



MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 10-125

A RESOLUTION APPROVING THE PRATT VARIANCE AND DESIGN REVIEW  
ASSESSOR'S PARCEL 146-34-80

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Jeffrey C. Pratt, requests Variance and Design Review approval to allow construction of a 1,053 square foot 3-car garage, a 34 square foot ground floor addition, a 744 square foot second story addition, and a new, 712 square foot ground level wrap around covered porch on the existing 1,518 single family residence on a 2.8 acre property. In combination with 7,789 square feet of existing accessory structures and the 683 square foot caretaker unit a total building area of 11,787 square feet and a floor area ratio (FAR) of 9% is proposed for the property. Design Review is required for development that exceeds a building area of 4,000 square feet, and a Variance is required for FAR in excess of 5% in the A-10 zoning district. The proposed project would maintain setbacks of more than 100 feet from the northwest front property line, the northeast side property line, and the southeast rear property line, and 33.11 feet from the southwestern side property line.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 17, 2010 to consider the merits of the project, and hear testimony regarding 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 (CEQA), per Section 15301, Class 1 of the CEQA Guidelines because it would not result in significant tree removal, grading, drainage alterations or other adverse impacts on the environment.
- IV. WHEREAS The proposed project, as modified by the conditions of approval, is consistent with the goals and policies of the Marin Countywide Plan as discussed below:
  - A. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of native trees and the project site was previously developed.
  - B. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of plants or animals.

- C. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from the shoreline to avoid being constrained by ecotones.
  - D. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
  - E. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed project would involve minimal grading or disturbance of soil, would minimally increase the impermeable area on the site, and the existing drainage system complies with the standards and best management practices required by the Department of Public Works.
  - F. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
  - G. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - H. The project would meet energy efficient standards for exterior lighting, and would reduce excessive lighting and glare (*CWP Policy DES-1.h*) because any exterior lighting would be shielded and downward-directed.
  - I. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*) because the proposed development would maintain the existing landscaping, would involve no tree removal, and would include new landscaping associated with the proposed addition to the existing residence.
- V. WHEREAS, the proposed project is consistent with the Indian Valley Specific Plan including Specific Plan policy 3.1.1 because it would maintain the rural residential character of the Indian Valley area by limiting tree removal and exterior lighting.
  - VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.42.060 of the Marin County Code) as described below.
- A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.**

The proposed garage, second story, and wrap around porch addition to the existing single-story residence incorporate exterior design details and finish materials to match the existing residence, including asphalt shingles, horizontal siding, brick veneer around the base of the porch, and vinyl sash windows with wood trim (on the garage and upstairs addition, only). The proposed additions add visual interest and enhance the architectural quality of the very simple and utilitarian style of the residence, bringing it up to date and in keeping with the surrounding neighborhood. The residence is located well back from the street, providing attractive views of, and through, the large site. The proposed garage faces away from the street.

- 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.**

The proposed additions to the existing residence maintain sufficient setbacks from property boundaries that the improvements will have no effect on the sun and light exposure, views, vistas, or privacy of adjacent properties. The layout of the addition and the exterior appearance will enhance the appearance of the existing residence. The proposed additions are located within the developed area of the property, and would have no effect on rights-of-way or pathways for circulation.

- 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.**

The dominant visual features of the project site are the mature oak trees towering over the property. The oaks, as well as other, non-native trees, are located throughout the property. No trees will be removed. Native grasses and minimal shrubbery around the perimeter of the house provide adequate landscaping and are consistent with fire safety requirements. Trees and bushes along property boundaries will remain.

- 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 addition will be located on the level area occupied by the existing house. Minimal cut and fill will be required to prepare the site for the foundation.

- 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).**

The proposed garage entrance does not face the street, the exterior materials would be compatible with the other development on the property, and a standard condition ensures that exterior lighting is minimized.

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

The applicant is required to meet the "Certified" standard for projects between 1,001 and 1,500 square feet of additional area, with a total of 70 points for all green building measures. The applicant proposes to exceed the "Certified" standard and meet the "Silver" standard, with a total of 105 points for all green building materials.

**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.**

This 2.8 acre property is zoned A-10 in an area zoned primarily A-2:B-4, except for the adjacent 12.2 acre parcel which is also zoned A-10. The property is developed with a single family residence, a caretaker's unit, and a riding stable with related accessory structures. These uses are principally allowed in both the A-10 and A-2:B-4 zoning districts, and are consistent with the pattern of use in the Indian Valley area. The IVSP describes the pattern of community and development thus: *"Property in Indian Valley is used principally for single-family housing interspersed with equestrian uses, orchards and livestock (cattle, sheep) pasture and grazing. There is no multiple family use, no institutional use, and no commercial use other than home-office oriented businesses and several horse stables and plant nurseries."* The lot size, use (residential and equestrian facility), and intensity of development is consistent with the development in the neighborhood.

The proposed remodel and addition to this existing single family residence is consistent with the Countywide Plan, the Indian Valley Specific Plan, the A-10 zoning district with respect to design, location, size and operating characteristics, and will not be detrimental to the public interest, health safety, convenience, or welfare of the County.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Variance approval (Section 22.54.050 of the Marin County Code) as described below.

**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.**

The subject property is 2.8 acres in an A-10 zoning district, which requires a minimum lot size of 10 acres. This situation is unique to the property because there are no other properties in the surrounding area under the A-10 zoning district that have only 28% of the required lot area. The substandard lot size is therefore a special physical circumstance that is unique to the property.

**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 project involves additions to an existing residence, including a garage, which is a principally permitted use in the A-10 zoning district. Therefore the project would not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

**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 project would not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located. Rather, the project would allow the property owner to enjoy the same privileges as enjoyed by owners of neighboring properties, and typical of properties located in the surrounding area. As discussed in the plan consistency findings and Design Review finding VI.G, the project would be compatible with the character of the surrounding community.

**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 proposed development would not have detrimental effects on public interest, health, safety, convenience or welfare of the County, or injurious to the property or improvements in the vicinity and the governing A-10 zoning district in which the real property is located because it involves alterations to an existing residence in a residential zone. The Variance would allow improvements to the property that are in keeping, in both intensity and use, with the surrounding neighborhood, and would help maintain the rural character and equestrian lifestyle proscribed in the Indian Valley Specific Plan. The proposed project would cause no injury to the property nor to improvements in the vicinity or the zone district, and is of compatible design with respect to single family homes along Wildwood Lane.

**SECTION II: CONDITIONS OF PROJECT APPROVAL (DR 10-83) and (VR 10-18)**

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Pratt Variance and Design Review subject to the following conditions:

1. Pursuant to Section 22.42.060 (Variance) and 22.54.050 (Design Review) of the Marin County Code, this Design Review and Variance approval for Jeffrey C. Pratt authorizes the construction of a 1,053 square foot 3-car garage, a 34 square foot ground floor addition, a 744 square foot second story addition, and a new, 712 square foot ground level wrap around covered porch on the existing 1,518 single family residence on a 2.8 acre property. In combination with 7,789 square feet of existing accessory structures and the 683 square foot caretaker unit a total building area of 11,787 square feet and a floor area ratio (FAR) of 9% is approved for the property. The approved project shall maintain setbacks of more than 100 feet from the northwest front property line, the northeast side property line, and the southeast rear property

line, and 33.11 feet from the southwestern side property line. The subject property is located at **15 Wildwood Lane, in Novato**, and is further identified as **Assessor's Parcel 146-340-82**.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "A Garage, Bedroom & Porch Addition for Jeff Pratt" consisting of 5 sheets prepared by Dennis Key, of Key Architecture, dated March 18, 2010 and received April 14, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials identified on "Exhibit B," prepared by Jeffrey C. Pratt, received April 14, 2010, and on file with the Marin County Community Development Agency:
  - A. Hardi-Plank horizontal siding;
  - B. Benjamin Moore AC-32 Pismo Dunes (house color), Benjamin Moore Essex Green (trim color); and
  - C. Roof: Elk 40 year composite asphalt shingles, Weatherwood.

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 applicant shall submit a signed Statement of Design Conformance contained in the Green Building Residential Certification Form demonstrating that the project meets or exceeds the required green building rating "Certified".
5. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties
6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

7. All construction activities shall comply with the following standards:
  - A. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
8. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
9. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level.

#### Department of Public Works – Land Use

Prior to issuance of a building permit:

1. Head-in parking spaces shall be a minimum eight and one-half feet by eighteen feet. Parallel spaces shall be a minimum eight feet by twenty feet. For constrained locations such as garages serving single-family dwellings, spaces shall be a minimum nine feet by twenty feet. MCC 24.04.380
2. **Provide a grading and drainage plan for the proposed structure prepared by design engineer/architect. Plan shall show how roof runoff will dissipate on-site.** Drainage shall comply with 2007 CBC Section 1803.3 **Site Grading** and **Section J109.4 Drainage across property lines. Section 1803.3 states the following: the ground immediately adjacent to the foundation shall be sloped away from the building at a minimum slope of 5%, for a minimum distance of 10-feet. Section J109.4 states drainage across property lines shall not exceed that which existed prior to grading.**

3. Add the following note on the plans, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to Indian Valley Road (e.g., pavement,) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of the same. MCC 24.04.016.
4. Add a note on the plans indicating that the Design Engineer/Architect shall certify to the County in writing upon the completion of work that all grading, drainage was completed in accordance with the approved plans and field direction. Also note that DPW Engineer shall inspect and accept work after receipt of certification letter. Certification letter shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number.
5. Add a note on the plans indicating that all construction plans submitted to the County pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with Marin County Code (MCC) 24.04.625 and 24.04.627. Also per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMP's to prevent discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system.

#### North Marin Water District

1. If fire sprinklers are required, replacement of the ¾-inch lateral and the 5/8-inch meter will be necessary in order to provide the flow required by the sprinkler system. If applicable, the applicant shall contact the District to arrange for this upgrade.
2. The project shall conform to District Regulation 15 – Mandatory Water Conservation Measures.
3. Before Issuance of Final Inspection and occupancy of the project, the required water service upgrade shall be completed and/or compliance with water conservation measures shall be verified.

#### Novato Fire Protection District

1. Before Issuance of Final Inspection and occupancy of the project, the applicant shall comply with all District requirements.

### **SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that Tthe 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 June 17, 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 22.56.050.B.3of 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.

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 Planning Department, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on July 1, 2010.

#### **SECTION IV: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17<sup>th</sup> day of June, 2010.

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JOHANNA PATRI, AICP  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary