



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
 DONAHUE VARIANCE**

Item No:	C1	Project ID No:	09-376
		Application No:	VR 10-12
Applicant:	Sean and Jennifer Donahue	Owner:	Sean and Jennifer Donahue
Property Address:	343 Kent Avenue, Kentfield	Assessor's Parcels:	074-063-06
Hearing Date:	August 12, 2010	Planner:	Lorene Jackson

RECOMMENDATION:	Approve in Part with Conditions and Deny in Part
APPEAL PERIOD:	August 26, 2010
LAST DATE FOR ACTION:	August 17, 2010

PROJECT DESCRIPTION

The applicant is requesting Variance approval to construct a 785.8-square foot addition to an existing 1,361.2-square foot single-family residence. The proposed project would attain a maximum height of 21.5 feet. The resulting 2,165.8-square foot single-family residence with attached 457.6-square foot garage would result in a 54% floor area ratio (FAR) on a 4,000-square foot lot; the existing permitted FAR is 34%. The exterior walls of the proposed addition would maintain the following setbacks: 10.8 feet from the easterly front property line; 4.4 feet from the northerly side property line; 7 feet from the southerly side property line; and 26.7 feet from the westerly rear property line. The roof of the front entry porch would be located 8.4 feet from the easterly front property line. The project includes the removal of the following existing unpermitted improvements (1) a 168-square foot sunroom located approximately 8.1 feet from the southerly side property line, 26 feet from the northerly side property line, and 30 feet from the westerly rear property line, (2) a second-floor deck located along the southerly side property line, 5.7 feet from the northerly side property line, and 16 feet from the westerly rear property line, and (3) a hot tub on the second floor deck that is located approximately 2 feet from the southerly side property line and 29 feet from the westerly rear property line. A Variance is required because the addition would result in a FAR greater than 30% and would reduce an approved 15-foot front yard setback to 8.4 feet where 25-feet is required in the applicable zoning district.

GENERAL INFORMATION

Countywide Plan:	SF6 (below 6,000-square foot minimum lot area, 4-7 units/acre)
Zoning:	R1-B1 (Single-family Residential, 6,000-square foot minimum lot area)
Community Plans:	Kentfield/Greenbrae Community Plan
Lot size:	4,000 square feet

Vegetation: Fully developed site with ornamental landscaping; native tree in the rear yard
Topography and Slope: Level
Environmental Hazards: FEMA Special Hazard Area Zone A; Urban Wildland Interface

PLAN CONSISTENCY

As submitted, the proposed project is not generally consistent with the goals and policies of the Marin Countywide Plan and the Kentfield/Greenbrae Community Plan. Please refer to the plan findings contained in the attached resolution.

PROJECT ANALYSIS

Setting

The subject property is located on a flat and fully developed lot. In the Kentfield/Greenbrae Communities Plan, the site is in Subarea I – a single-family residential neighborhood. While most of the adjoining lots along the westerly side of Kent Avenue are through lots that also front Redwood Drive to the west, the subject property is smaller and separated from Redwood Drive by the adjoining rear neighbor.

The northerly side property line of the subject property is the city limits for the Town of Ross. The median home size for single family residents within 300 feet along Kent and Popular Avenues is 1,655 square feet. The median lot size for single-family residences in the vicinity is 8,196 square feet, twice the size of the subject property. There are no other properties on Kent and Popular Avenues with such a small lot. This substandard lot size creates constraints for applying the required 25-foot front yard setback and the floor area ratio requirements.

The adjacent two-story single family residents along the north and south side property lines appear to be located within their respective 5-foot side yard setback. The sides of both homes that face the subject property are two-story unbroken walls that severely impact the light and air of the subject property, particularly in the backyard.

The subject property is located within Federal Management Agency (FEMA) Special Hazard Area Zone A, an area subject to flooding by the 1% annual chance flood, but where FEMA has not determined the base flood elevation (BFE). Therefore, all proposed construction will need to be reviewed for compliance with, and subject to the conditions of, Floodplain Management regulations in Marin County Code 23.09.

Background

The original 900-square foot home was first constructed in 1952. Since there was an existing garage in the rear yard at that time, the current 15-foot front yard setback was allowed where 25-feet is required in the R1-B1 zoning district.

In 1956, a building permit was issued to raise the entire house 8 feet to allow for storage and the current garage on lower level. There is currently a bathroom on the lower level, which appears to have become living area. The proposed project would further establish living area on the lower floor. In 1999, approval was granted for a new entryway on the first floor within the existing footprint of the house. This project was never vested. There is no record of planning or building permits issued for the existing sunroom, deck, and hot tub.

The main entrance to the existing house is by way of a two-story exterior stairway that encroaches approximately 3 feet into the side yard setback. Given the location of the house, there is limited ability to provide a more functional entrance at the front street level of the house without further encroaching within the front yard setback.

Project Review

The current application was filed on December 14, 2009. In response to comments, the applicant made three re-submittals to provide a site survey and clarify the height, floor area, base flood elevation, and scope of the project. No substantial revisions were made to the project. Story poles were put up by July 20 to reflect the project as proposed. Staff recommended that extensions be placed on the story poles to reflect the height of the structure raised above BFE. At the time this report was prepared, extensions reflecting the raised height were not in place.

The project was reviewed by the Marin County Department of Public Works (DPW) Land Development, Marin Municipal Water District, Ross Valley Sanitary District, Kentfield Fire Protections District, and the Kentfield Planning Advisory Board. Comments received are attached. No public comments were received.

Given the location of the project within a flood hazard zone, the Department of Public Works reviewed this project to ensure that any subsequent building permit application would comply with Floodplain Management regulations. At the request of DPW, the applicant submitted valuation of the proposed project. This indicated that the cost of the entire proposed project would exceed 50% of the depreciated value of the existing structure. As such, the lowest floor of the home would need to be elevated above the BFE.

However, since staff is not recommending approval of the entire project, construction of a portion of the project may not trigger raising the house above BFE per FEMA regulations. The applicants indicated a desire to phase the project, doing the front addition now and submitted an application for a smaller rear addition at a later date to replace the sunroom. Concern has been expressed that by phasing the project, the applicant may avoid raising the house above BFE.

Due to constraints of the small lot size, the Kentfield Planning Advisory Board (KPAB) unanimously recommended approval of the proposed addition within the front yard setback and removal of the external staircase. They did not approve the rear two-story addition. KPAB cautioned against any new construction on the lower floor except for the entry stairway. They noted that in 1982 and 2005, floodwaters along Kent Avenue raged to about 4 feet in depth. Since this type of flood event is likely to occur again, KPAB recommended that any new construction be raised above base flood elevation. (See Attachment 8.)

RECOMMENDATION

As discusses in the attached resolution, staff recommends denying a portion of the project because the size of the proposed home size would exceeds the 1,800 square feet allowed with a 30% on the minimum 6,000 square feet lot in a R1-B1 zoning district. However, because of the special circumstances created by the substandard size lot, staff recommends approval of the additional living area created by the 162-square front addition and, in lieu of a two-story rear addition, legalizing the existing 168-square foot sunroom. This would result in a 1,690-square foot single family residence with a 42.2% FAR. Although design guidelines discourage the use of cantilevers, given that the boxed-in rear yard is not visible from off-site, the sunroom would be acceptable. This raised sunroom provides some offset to the property owners from the overbearing mass and bulk of adjoining neighbors and provides an opportunity for some light and air.

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving in part with conditions and denying in part the Donahue Variance.)

- Attachments:
1. Proposed Resolution recommending approval in part and denial in part of the Donahue Variance
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans – Exhibit A
 6. Site Survey – Exhibit B
 7. Department of Public Works Memo, June 11, 2010
 8. Kentfield Planning Advisory Board Minutes, June 2, 2010
 9. Marin Municipal Water District Letter, January 6, 2010
 10. Ross Valley Sanitary District Letter, January 5, 2010
 11. Kentfield Fire Protection District Memo, December 28, 2009

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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-

A RESOLUTION APPROVING IN PART WITH CONDITIONS
AND DENYING IN PART THE DONAHUE VARIANCE
343 KENT AVENUE, KENTFIELD

ASSESSOR'S PARCEL 074-063-06

SECTION I: FINDINGS

- I. WHEREAS owners Sean and Jennifer Donahue are requesting Variance approval to construct a 785.8-square foot addition to an existing 1,361.2-square foot single-family residence with a 476.4-square foot garage. The proposed project would attain a maximum height of 21.5 feet. The resulting 2,165.8-square foot single-family residence with attached 457.6-square foot garage would result in a 54% floor area ratio (FAR) on a 4,000-square foot lot; the existing permitted FAR is 34%. The exterior walls of the proposed addition would maintain the following setbacks: 10.8 feet from the easterly front property line; 4.4 feet from the northerly side property line; 7 feet from the southerly side property line; and 26.7 feet from the westerly rear property line. The roof of the front entry porch would be located 8.4 feet from the easterly front property line. The project includes the removal of the following existing unpermitted improvements (1) a 168-square foot sunroom located approximately 8.1 feet from the southerly side property line, 26 feet from the northerly side property line, and 30 feet from the westerly rear property line, (2) a second-floor deck located along the southerly side property line, 5.7 feet from the northerly side property line, and 16 feet from the westerly rear property line, and (3) a hot tub on the second floor deck that is located approximately 2 feet from the southerly side property line and 29 feet from the westerly rear property line. A Variance is required because the addition would result in a FAR greater than 30% and would reduce an approved 15-foot front yard setback to 8.4 feet where 25-feet is required in the applicable zoning district. The subject property is located at **343 Kent Avenue, Kentfield** and is further identified as **Assessor's Parcel 074-063-06**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on August 12, 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 (CEQA) pursuant to 15301(e), Class 1 of the CEQA Guidelines because it entails an addition to an existing single-family residence that would not result in potentially significant impacts to the environment.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that while portions of the proposed project are consistent with the Marin Countywide Plan, portions of the project are inconsistent, as described below:

The proposed project is consistent with the SF6 land use designation of the property, conforms to the building height limits, and complies with governing development standards related to parking, grading, drainage, and utility improvements. The project will preserve the visual quality of the neighborhood and would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.

However, the location of the subject property is identified as a flood hazard area in the Marin Countywide Plan (CWP). Accordingly, the intent of Environmental Hazards Goal EH-3 is to protect people and property from risks associated with flooding and inundation. Implementing program EH-3.e restricts development in flood prone areas, calling for the continued regulation of development in Special Flood Hazards areas by applying the County's Floodplain Management Ordinance, FEMA regulations, and environmental review pursuant to the California Environmental Quality Act.

The project site is located within Federal Management Agency (FEMA) Special Hazard Area Zone A, which is an area subject to flooding by the 1% annual chance flood. The applicant provided information indicating that the cost of the entire proposed project would exceed 50% of the depreciated value of the existing structure and therefore the lowest floor of the home would need to be elevated above the base flood elevation (BFE), pursuant to Marin County Code Section 23.09.034.c.1.

Since, as discussed below, Variance findings cannot be made to authorize the entire project, it is uncertain whether construction of the approved portion of the project would trigger raising the house above BFE. Therefore, as a condition of approval, a valuation will need to be done to determine whether the house will need to be raised above BFE.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that while portions of the proposed project are consistent with the Kentfield/Greenbrae Community Plan, portions of the project are inconsistent, as described below:

The proposed project is consistent with the land use designation of the property, conforms to the building height limits, and is consistent with the architectural styles and character of the community.

However, the Kentfield/Greenbrae Community Plan's Conservation and Development Standard 2 states that the total floor area ratio, including garage, shall not exceed 35%. The existing single-family residence and garage result in a 45.9% FAR. The total floor area ratio of the proposed 2,165.8-square foot single-family residence and 457.6-square foot garage would be 65.6% and therefore that portion of the proposed project is inconsistent with the Community Plan. However, the Kentfield Planning Advisory Board unanimously agreed that the substandard lot size was a special circumstance to approve the 162-square foot front entry addition that would increase the encroachment into the front yard setback and increase the total FAR to 50%. KPAB did not recommend approval of the rear two-story addition.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that portions of the proposed project are consistent with the mandatory Variance findings (Marin County Code Section 22.54.050 and California Government Code Section 65906) as specified 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 size of the subject property creates special circumstances that restrict the development of the property with respect to other properties in the area. The property has a total area of 4,000 square feet where the minimum lot size required by the R1-B1 zoning district is 6,000 feet. The median lot size for single-family residences in the vicinity is 8,196 square feet, twice the size of the subject property. There are no other properties on Kent and Popular Avenues with such a small lot. This substandard lot size creates constraints for applying the required 25-foot front yard setback and the floor area ratio requirements.

- 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 this Variance would not alter the single-family residential use of the subject property. Therefore, 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.**

Approving the front addition within the front yard setback and legalizing the existing sunroom would not grant a special privilege because the size of the subject lot, configuration of the existing house, and mass and bulk of the neighboring construction result in constraints that most property owners in the wider Kentfield area do not face.

A 30% FAR for a 6,000 square foot lot would allow a home size up to 1,800 square feet. The proposed project would result in a 2,165.8 square feet of total living area, which would result in a 36% FAR for a 6,000-square foot minimum lot required for the R1-B1 zoning district. Therefore, the granting of a Variance for such a project would constitute a special privilege that is inconsistent with the limitations placed upon other properties in the vicinity.

However, granting a Variance to allow the 162-square front addition and 168-square foot sunroom would result in a 1,690-square foot single family residence, which is similar to what would be allowed for a 6,000-square foot minimum lot. This would create a 42.2% for the subject parcel and would not constitute a special privilege.

The existing entrance to the residence is by way of a two-story exterior stairway along the southerly side of the residence. This two-story stairway encroaches approximately 3 feet into the side yard setback. The proposed project would

eliminate this stairway and provide a new, more functional entrance at the front street level of the house. The proposed front addition would better meet the County's Single-family Design guidelines to minimize the visual presence of the garage and improve the general massing, roof design, and articulation of the existing front of the house. The removal of the exterior stairway would remove the encroachment of the stairway into the side yard setback and improve the separation, light, and air relative to the adjoining property.

Changes to the front entry within the front yard setback are compatible with the surrounding community. Because of the visual benefits gained from the changed roof line and articulation of the front porch, the location and design of the project would not adversely affect the visual quality of the area.

The purpose of the development standards for the R1-B1 zoning district is to minimize adverse affects to the surrounding area that would otherwise result from inappropriate development. The project design would ensure that the development would be consistent with the Single-family Residential Design Guidelines and compatible with the character of the local community. Pursuant to California Government Code Section 65906, the scope of work has been modified to assure that the Variance would not permit development that would be inconsistent with the limitations placed on other properties in the surrounding area.

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.

As conditioned, the proposed development would not have detrimental effects on public health, safety, or welfare because the improvements would be consistent with the Marin Countywide Plan and Single-family Residential Design Guidelines.

The proposed front yard addition would be of comparable height and scale with other structures in the surrounding community and would not have detrimental effects with respect to light, air, privacy, and views to surrounding properties. The front addition has been designed to architecturally improve the existing structure. Because of the visual benefits gained from the changed roof line and articulation of the front porch, the location and design of the project would not adversely affect the visual quality of the area. The existing 168-square foot sunroom in the rear of the house is not visible from the street and most of the neighbors. The Kentfield Planning Advisory Board and neighboring property owners have raised no objections to the additional encroachment into the front yard setback. The new front addition and existing sunroom would not adversely affect the character of the local community.

If the approved project needs to be raised to meet Floodplain Management regulations, the structure would attain a maximum height of approximately 25.6 feet, which is below the 30-foot height limit for the R1-B1 zoning district and the Kentfield/Greenbrae Community Plan. Since all adjoining homes are two-stories, several of which have also been raised to meet floodplain regulations, this would be compatible with the neighborhood character.

SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves in part and denies in part the Donahue Variance (VR 10-12) subject to the conditions as specified below:

Marin County Community Development Agency - Planning Division

1. Pursuant to Sections 22.54.050 (Variance) of the Marin County Code, the Donahue Variance is approved to construct a 163-square foot front addition to an existing 1,361.2-square foot single-family residence. The two-story addition is approved to attain a maximum height of 21.5 feet; if the structure is required to be raised to meet Floodplain Management regulations, the structure is approved to attain maximum height up to 30 feet. The exterior walls of the addition are approved to maintain the following setbacks: 10.8 feet from the easterly front property line; 7 feet from the southerly side property line, and 22 feet from the northerly side property line. The roof of the front entry porch is approved to be located 8.4 feet from the easterly front property line. The existing 168-square foot sunroom is approved, subject to current standards for building and safety, to be located approximately 8.1 feet from the southerly side property line, 26 feet from the northerly side property line, and 30 feet from the westerly rear property line. Those portions of the existing second floor deck and hot tub within the 5-foot southerly side yard setback shall be removed. The resulting 1,692-square foot single-family residence with attached 457.6-square foot garage is approved to result in a 42.3% floor area. The subject property is located at **343 Kent Avenue, Kentfield** and is further identified as **Assessor's Parcel 074-063-06**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as **Exhibit A**, entitled "Donahue Residence Renovations" consisting of 10 sheets prepared by Rim Architects, dated December 14, 2009, revised May 15, 2010, and received May 19, 2010, and **Exhibit B**, entitled "Building Location Survey", consisting of one sheet prepared by Elliott V. Ingram, dated April 30, 2010, and received May 19, 2010, both exhibits on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

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 approved scope of work and following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A1** and shall supersede Exhibit A.

- a. Revise the project plans to conform with the approved project, which includes the sunroom and front addition. Delete the rear two-story addition and that portion of the deck and hot tub that encroaches within the 5-foot side yard setback.
- b. Revise the site plan to match the setbacks of the site survey - Exhibit B.
- c. Revise Sheet A-101 to indicate the correct scale.
- d. If required to raise any portion of the house above BFE, revise project plans accordingly.

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 revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Variance conditions of approval as notes.
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. 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.

9. 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.
10. 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.
11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front property lines and install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation to the Planning Division. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of the front 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. 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 for additional details regarding this requirement.

Department of Public Works

12. This parcel is entirely within Special Flood Hazard Area Zone A, as mapped by FEMA on their current Flood Insurance Rate Map (FIRM) panel number 0458D, which became effective on May 4, 2009. Zone A is an area subject to flooding by the 1% annual chance flood, but where FEMA has not determined the base flood elevation (BFE). As the project is in a Special Flood Hazard Zone, all proposed construction shall be reviewed for compliance with, and subject to the conditions of, Floodplain Management regulations in Marin County Code 23.09.
13. Based upon flood elevation data collected by the Department of Public Works, the BFE at the north end of the property is approximately 17.3 feet using the National Geodetic Vertical Datum (NGVD), which was the datum used for FEMA's FIRM's prior to May 4,

2009. As this approximated elevation is in tenths of a foot, it is not appropriate for the applicant to convert the BFE in NAVD to additional decimal places.

14. Kent Avenue is a County maintained road. Owner shall obtain an Encroachment Permit from the Department of Public Works prior to any work within the Kent Avenue right of way.
15. Per MCC 24.04.016, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.
16. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: 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 county code Sections 24.04.625 and 24.04.627.
17. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of the work.
18. BEFORE ISSUANCE OF A BUILDING PERMIT:
 - a. Applicant shall provide DPW a real estate appraisal of the property improvements which offers the depreciated value of the existing structure. Additionally, the applicant shall provide DPW a cost estimate prepared and stamped by a registered engineer, architect or estimator for the cost of the improvements. If the cost to value ratio exceeds 50%, the lowest floor elevation for the entire house shall be at or above the Base Flood Elevation per MCC 23.09.034(c)(1), and the construction will be subject to additional requirements in MCC 23.09.
 - b. Elevation views shall provide the BFE, the existing grade elevation, and the elevation of the first floor, using the NAVD 1988. Plans shall provide a benchmark and be based upon data collected and prepared by a licensed land surveyor and registered professional engineer.
 - c. Submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion control and debris barrier measures on site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for suggested methods and measures.
 - d. Provide a drainage plan for the project, prepared by a professional engineer or licensed architect.
 - e. Site plan shall include the edge of pavement, and label and dimension the right of way.

Kentfield Fire Protection District

19. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire District that all requirements of the Marin County Fire Department have been met.

Ross Valley Sanitary District

20. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g. Contra Costa valve, as warranted by the individual site conditions).
21. BEFORE FINAL INSPECTION, the owner or contractor shall contact the District to arrange for a District Inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device(s) and to make a record for the District's files.

Marin Municipal Water District

22. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Variance approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **August 12, 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.

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, before **4:00 p.m. on August 28, 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 12th day of August 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary