

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-101

A RESOLUTION APPROVING THE
BENNETT COASTAL PERMIT AND MINOR DESIGN REVIEW
5 FORRES WAY, INVERNESS
ASSESSOR'S PARCEL 112-245-13

SECTION I: FINDINGS

- I. WHEREAS the applicant/owners are requesting Coastal Permit and Minor Design Review approval to construct a 77-square foot addition to an existing 672-square foot detached structure that is accessory to an existing 1,158-square foot single-family residence. The resulting 749-square foot structure would retain the existing maximum height of 18.1 feet and result in a 23% floor area ratio. The minor addition entails two new shed dormers to be located 4 feet from the southerly rear property line, 23 feet from the easterly side property line, and 40 feet from the westerly side property line. The project includes the legalization of an existing 235-square foot carport with a maximum height of approximately 10 feet and located with the following approximate setbacks: 0.5 feet from the northerly front property line and 3.3 feet from the easterly side property line. Project-related construction would occur from July 15 to February 15. Design Review is required because of the height and setback of the addition, and the location of the carport in a Planned District. The subject property is located at **5 Forres Way, Inverness** and is further identified as **Assessor's Parcel 112-245-13**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing January 13, 2011, to consider the merits of the project, and hear testimony in favor of and in opposition to the project. The Community Development Agency, Planning Division has provided public notice identifying the applicants, describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property and to interested parties and organizations. No public comment was received at the time the staff report was prepared.
- 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 entails a minor addition to an existing structure and the legalization of an existing carport on a developed lot and would result in no site disturbance that would negatively impact 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 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 any 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, while the California Natural Diversity Database indicates the possible presence of the following special-status plants and animals, the subject property does not provide habitat for the identified species:
- a. Pallid Bat - The pallid bat roosts in arid grasslands and less frequently in oak woodlands and evergreen habitats, as well in the overhangs of barns and abandon buildings, which are not present on-site.
 - b. Northern Spotted Owl –The project site is located approximately 2,000 feet from a Northern Spotted Owl nesting site, a distance at which no significant auditory and visual disturbance would occur from the proposed construction. Additionally, construction will occur from July 15 to February 15, which is outside the nesting period for the Northern Spotted Owl.
 - c. The Marin Knotweed, Lyngbye's Sedge, Coast Lily, and Marin Hesperian – These species are all found in salt marshes, which are not present on the subject property.
 - d. Marin Checker Lily – This species is only rarely found on Point Reyes coastal grasslands, scrub, and exposed rocky slopes near the lighthouse, which do not apply to this site.
 - e. The North Coast Phacelia – This species occurs in the exposed headlands, which similarly do not pertain to this site.
- 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 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 reducing excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be 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 be consistent with the Marin County Single-family Residential Design Guidelines, as discussed above in Design Review findings E.
 - J. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*) because the Energy Efficiency Ordinance requirements would be implemented during the Building Permit review process to ensure that the project minimizes energy use.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Inverness Ridge Communities Plan because:
- A. The project entails a minor addition to an existing accessory structure and the legalization of an existing carport on a developed property, which are permitted uses 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 proposed addition would retain the scale and original architectural features of the existing pre-1930 structure, which is located in the rear of the property. (*Historic Policy 1.a(2)*). The proposed materials, roof shape, and height of the proposed dormers are consistent with the existing detached structure.
 - D. The residence has adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project, which would not be effected by the proposed project.
 - E. The height of the proposed dormer windows addition to the detached accessory structure will not adversely impact neighbors or the neighborhood.
- VI. 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, received a transmittal of the project plans, and did not present opposition to the project.

B. Septic System Standards:

The subject property is currently served by an on-site water disposal system. Marin County Environmental Health Services reviewed the proposed project and found it acceptable for the current system. Any future remodeling of the main house will require a performance evaluation and accurate location of the existing septic system that serves the property.

C. Grading and Excavation:

The project would not entail any grading or excavation.

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, the site is already developed and no grading is required for the project.

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 II, 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 a minor addition to an existing 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 proposed project is not situated in an area subject to the County stream or wetland protection policies as identified on the Natural Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on U.S. Geological Survey Maps.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II 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 the pallid bat, which roosts in arid grasslands and less

frequently in oak woodlands and evergreen habitats, as well in the overhangs of barns and abandon buildings. However, suitable habitat is not present at the site. Data indicates potential habitat for the Marin Hesperian, however this species is found in marshy areas, which are not present on this site. The project site is also located approximately 2,000 feet from a Northern Spotted Owl nest, a distance at which no significant auditory and visual disturbance would occur from the proposed construction. By design, there will be no construction during the nesting period for the Northern Spotted Owl. The proposed construction of a minor addition on a previously developed and landscaped site, would not remove native vegetation identified for habitat protection in the Local Coastal Plan.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II 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, indicates the subject property may be in the vicinity of the following special status species: Marin Knotweed, Lyngbye's Sedge, Marin Checker Lily, and Coast Lily. However, the project site is fully developed, no vegetation or tree removal is proposed, and 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 the identified special status plant species. (See IV.B above)

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 Specials 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 addition and carport are consistent with the architectural style and character of surrounding community and existing structures

on-site. The proposed addition would be unobtrusive and match the existing roof and wood siding. As conditioned, any lighting on the addition must be directed downward, located and/or shielded so as not to cast glare on nearby properties. The proposed project would not obstruct public views of the coast and would be screened by existing vegetation, trees, and fencing.

The building height limit of accessory structures within the Coastal Zone is 15 feet from grade. However, the applicable zoning district for this project is C-RSP, which allows this height requirement to be waived per Marin County Code (MCC) Section 22.57.086.2.(e)l. Since the proposed height of the addition does not exceed the historic 18.1-foot height of this structure and the structure is adequately screened by existing trees and vegetation, a deviation of the height standard will not violate the intent of planned district's ability to allow a well-designed project outside the confines of specific yard requirements and is therefore consistent with MCC Section 22.47.030l.

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.

VII. 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 22.82.040l for the reasons listed below.

A. 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.

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

The project is consistent with this finding because the new shed dormers on the existing 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 is located behind an existing rear yard fence and is largely screened by existing vegetation and trees. The existing 10-foot tall carport is low profile and has been in existence for years.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

All development would be contained within the parcel and would not impact development on public lands or rights-of-way. The project would maintain existing setbacks from all property lines so that the project would not result in a loss of light or privacy to adjacent neighbors. While the existing detached accessory structure is located with a 0 setback to the property line, the proposed dormer addition would be located 4 feet from the property line.

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

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

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

The project site is heavily vegetated and no vegetation or tree removal is proposed as part of the project. The new addition will be within the envelop of the existing structure.

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

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

As noted above in Section VI.O, the height, scale, and design of the addition and carport are consistent with the architectural style and character of surrounding community and existing structures on-site. The proposed addition would be unobtrusive and match the existing roof (height, materials, and shape) and wood siding. As conditioned, any lighting on the addition must be directed downward, located and/or shielded so as not to cast glare on nearby properties. The proposed project would not obstruct public views of the coast and would be screened by existing vegetation, trees, and fencing.

- 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 entail no grading or disturbance of soil.

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.

During the building permit process, the project's compliance with the County's Green Building Standards will be verified. The project would also be required to meet California Title 24 standards and Marin County Ordinance 3492. The design of the project is compatible with the prevailing architectural style in the neighborhood.

- VI. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Bennett Coastal Permit and Minor Resign Review subject to the conditions of approval listed below. This approval authorizes the construction of a 77-square foot addition to an existing 672-square foot detached structure that is accessory to an existing 1,158-square foot single-family residence. The resulting 749-square foot structure is approved to retain the existing maximum height of 18.1 feet and result in a 23% floor area ratio. The minor addition of two new shed dormers is approved to be located 4 feet from the southerly rear property line, 23 feet from the easterly side property line, and 40 feet from the westerly side property line. Approval is granted to legalize the existing 235-square foot carport with a maximum height of approximately 10 feet and to have the following approximate setbacks: 0.5 feet from the northerly front property line and 3.3 feet from the easterly side property line. Project-related construction is approved to occur from July 15 to February 15.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, and the water and sewer providers.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bennett Coastal Permit (CP 10-36) and Minor Design Review (DM 10-75) subject to the following conditions:

Community Development Agency, Planning Division

STANDARD CONDITIONS

1. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, entitled "Bennett Residence" consisting of 1 sheet dated and received October 18, 2010 and 8 sheets revised July 15, 2010 and received July 19, 2010, all

prepared by C.A. Treadwell, and 3 sheets entitled "Carport Existing" received July 19, 2010, and on file in the Marin County Community Development Agency.

2. Approved exterior building materials and colors shall substantially conform to the existing natural-colored wood shingle siding, white trim windows, and composition shingle roof.

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

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 conditions of approval as notes.

4. No existing trees on the subject property are approved for removal as part of this project, 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.

5. Exterior lighting shall be directed downward, 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. 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.
9. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

SPECIAL CONDITIONS

10. 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.
11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front, easterly side, and rear 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/side/rear property lines and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division.

Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.

Department of Public Works

12. If guest spaces are proposed within the right-of-way, they shall not be exclusively dedicated to any one property and shall not block access to the fire hydrant.

PRIOR TO ISSUANCE OF A BUILDING PERMIT,

13. Provide a drainage plan for the new roof. Indicate location and erosion control for downspouts. Drainage shall comply with 2007CBC§1803.3.
14. An encroachment permit shall be required if any work is proposed within the road right-of-way.
15. Pursuant to MCC§24.03.020, Site Plans and Grading & Drainage Plans shall be prepared by a registered professional in the state of California. The plans shall have the wet stamp and signature of the professional.

Environmental Health Services

16. Any future remodeling of main house will require a performance evaluation and accurate location of existing septic systems that serves the residence and second unit.

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 **January 13, 2013**, 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 January 21, 2011**.


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 13th day of June, 2011.



JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary