

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 12-108

A RESOLUTION APPROVING THE WELTMAN
COASTAL PERMIT AND DESIGN REVIEW 2011-0271
12990 SIR FRANCIS DRAKE BOULEVARD, INVERNESS
ASSESSOR'S PARCEL 112-042-07

SECTION I: FINDINGS

- I. WHEREAS the applicant, Kim Jessup, Architect, on behalf of the property owners, Rob Weltman and Janice Butler, is proposing to construct a 25-foot tall, 2,641 square foot single family residence and attached 2-story, 20-foot tall, 849 square foot garage/workshop with upstairs recreation room. The 3.3 acre property is currently developed with an existing, 32-foot tall, 2,817 square foot single-family residence and attached 2-story, 24-foot tall, 1,363 square foot garage/workshop and upstairs bedroom. The remodeling would be entirely within the existing building footprints and includes removal of the upper floor of the existing residence and garage, and demolition of approximately 70 percent of the first floor. The overall height of the residence is proposed to be reduced from 32 feet to 25 feet, and the height of the attached garage is proposed to be reduced from 24 feet to 20 feet. The overall building area of the residence and attached garage is proposed to be reduced from 4,180 square feet to 3,490 square feet (for a reduction of 690 square feet). The existing propane tank is proposed to be relocated from the rear property line to a location 6 feet from the residence and 25 feet from the rear property line. A 7-foot tall "living fence" with a 1.5-foot tall rock gabion base topped with a wire mesh is proposed to replace the existing fence within the Sir Francis Drake Boulevard road right-of-way. The proposed fence would extend from the existing gate at the driveway southeast to the end of the existing fence. The residence would maintain the following minimum setbacks from corresponding property lines: 130 feet front (south), 164 feet side (east), 135 feet side (northwest), and 32 feet rear (north). The garage would maintain the following minimum setbacks from corresponding property lines: 110 feet front (south), 225 feet side (east), 135 feet side (northwest), and 53 feet rear (north). Third Valley Creek flows through the southern portion of the property along Sir Francis Drake Boulevard. The residence is located 110 feet from the top-of-bank of Third Valley Creek and the garage is 88 feet from the creek top-of-bank of Third Valley Creek. The proposal includes a 3-foot tall containment fence along the southern edge of the driveway and a 6-foot tall chain-link fence to surround the residence, garage, and areas of proposed construction activity. The property is located at 12990 Sir Francis Drake Boulevard in Inverness, and is further identified as Assessor's Parcel Number 112-042-07.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on April 26, 2012 to consider the merits of the project, and hear testimony regarding the project. The Community Development Agency, Planning Division has provided public notice identifying the applicant, 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 600 feet of the subject property and to interested parties and organizations.

- 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 15303, Class 3 because it entails construction of a new single family residence that would be located entirely within the footprint of existing development on the property, would not increase the area of impervious surfaces at the property, would not require any grading or tree removal, would be served by the existing septic system, and therefore would not result in potentially significant adverse impacts to the environment.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified by conditions of approval, is consistent with the Marin Countywide Plan as described below.
 - A. The construction of a new single-family residence is consistent with the C-SF3 (Coastal, Single-family, 1 unit per 1-5 acres maximum density) land use designation.
 - B. The project will provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
 - C. The project complies with Marin County standards for flood control, geotechnical engineering, and seismic safety, and includes improvements to protect lives and property from hazard.
 - D. The project results in development which conforms to the governing standards related to building height, size and location.
 - E. The project complies with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works.
 - F. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
 - G. The project minimizes soil disturbance and maximize protection of natural vegetation.
 - H. The project is consistent with Stream and Wetland Conservation Area policies because no new impervious surfaces would be introduced in the buffer zones.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified by conditions of approval, is consistent with the policies contained in the Inverness Ridge Community Plan due to the following factors.
 - A. The project would involve the construction of a new single-family residence, which is a principally-permitted use under the governing zoning district, and therefore, would be compatible with surrounding residential uses.
 - B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.

- C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
 - D. It will not impact recreational opportunities in the area because the project will not obstruct or otherwise interfere with existing public access to recreational facilities.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval (Section 22.56.130 of the Interim Marin County Code) pursuant to the requirements and objectives of the Local Coastal Program, Unit II as described below.
- A. Water Supply:

The Inverness Public Utility District has indicated that an adequate quantity and quality of water is available to continue serving the proposed project.
 - B. Septic System Standards:

The project applicant submitted a floor plan that can be accommodated by the existing septic system (both in total floor area and number of bedrooms). A condition of approval requires the applicant provide a septic inspection to Environmental Health Services staff (EHS) to verify that the system continues to function properly.
 - C. Grading and Excavation:

The proposed project would require little or no grading as the proposed structure will be located within the footprint of the existing single family residential development.
 - D. Archaeological Resources:

The proposed project will not disturb cultural resources because the project is located in a previously disturbed area and would only require minimal amounts of grading for existing foundation improvements.
 - E. Coastal Access:

The proposed project will not alter or otherwise interfere with existing coastal access. The project is not appropriate for acquisition of additional public access to coastal beaches because a public trust easement was previously offered for dedication (and ultimately accepted) as a condition of the coastal development permit granted by the California Coastal Commission in 1979.
 - F. Housing:

The proposed project will not result in the demolition of existing residential development that provides housing opportunities for persons of low and moderate income.

G. Stream and Wetland Resource Protection:

The property contains the following habitats: brackish marsh wetlands, riparian woodlands, and riparian creek areas. The project site is located entirely within riparian, stream and wetland buffer areas required by Section 22.56.130.G.3 of the Interim Marin County Code. However, the proposed project will not result in alterations to landforms, stream channels or removal of vegetation at the project site because the design of the new residential development will be limited to and located entirely within the footprint of existing development. The project has been designed to limit the number of bedrooms to avoid the need for construction of a new septic system. Finally, disturbance to the site and potential for additional runoff or erosion has been minimized because the development will not increase beyond the amount of existing impervious surfaces.

H. Dune Protection:

The project site 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 project has been designed to avoid wildlife habitat areas and will maintain existing buffer distances to resources at the site. The project entails re-development within the existing footprint and will not displace any vegetation at the project site. The project will not remove significant vegetation or otherwise adversely impact probable wildlife habitat areas because development is limited to the existing building footprint and will not require additional site disturbance.

J. Protection of Native Plant Communities:

The project site does not contain a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off the site.

K. Shoreline Protection:

The project site is not located in a coastal bluff area and does not entail the repair or placement of shoreline protective works such as revetment, breakwaters, groins or other such construction that alters natural shoreline processes.

L. Geologic Hazards:

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

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

O. Visual Resources:

Construction of the proposed single-family dwelling would not impair or obstruct coastal views from off-site. The height, scale and design of the proposed project is compatible with the character of the surrounding natural and built environments. The proposed residence would be partially screened from off-site locations by existing vegetation and would not obstruct views of the Inverness Ridge or Tomales Bay. The proposed residence would not obstruct public views and would not be significantly larger than other residences in the vicinity and would comply with the 25 foot height limit required by the governing zoning. Finally, the proposed project incorporates colors, materials, and building forms that are commonly found throughout the Inverness area that would blend the structure into the natural and built environments to the greatest extent feasible.

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 project site is not located within the designated historic preservation boundaries 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, as modified by conditions of approval, is consistent with the mandatory findings for Design Review approval (Section 22.82.040 of the Interim Marin County Code) as described below.

The project is consistent with the required findings cited above because the proposed residence would result in a structure with a height, mass, and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the proposed residence would conform to a principally permitted use in the C-RSP-0.33 zoning district which governs the subject property and would be situated solely on the subject property. The proposed residence would be located entirely within the footprint of existing development on the subject property and would not increase the amount of impervious surfaces at the subject property. The existing landscaping would adequately screen the structure from off-site locations, would stabilize and prevent the erosion of graded soils around the structure, and would enhance the privacy of the occupants of the subject and surrounding properties.

The proposed residence would minimize drainage alterations, grading and excavation, tree removal, and other adverse physical effects on the natural environment because the proposed project would be constructed entirely within the footprint of the existing single-family residence. Finally, the design of the single-family residence would be compatible with that of other structures in the vicinity, would respect the surrounding natural environment, would utilize colors and materials consistent with the prevailing community character, and would not diminish views from surrounding properties.

SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Weltman Coastal Permit and Design Review 2011-0271 pursuant to Chapters 22.56 and 22.82 of the Interim Marin County Code and subject to the following conditions:

Community Development Agency – Planning Division

1. The Weltman Coastal Permit and Design Review 2011-0271 hereby approves construction of a 2,641 square foot single family residence and attached 849 square foot garage/workshop (with recreation room above). The single family residence and attached garage/workshop is approved to be located within the footprint of the existing 2,817 square foot single family residence and 1,363 square foot garage/workshop. The residence is approved to have a height of 25 feet and the attached garage/workshop is approved to have a height of 20 feet. The existing propane tank is approved to be relocated from the rear property line to a location 6 feet from the residence and 25 feet from the rear property line. The residence is approved to remain approximately 110 feet from the creek top-of-bank and the garage is approved to remain 88 feet from the creek top-of-bank. This approval includes the installation of a temporary 3-foot tall containment fence along the southern edge of the driveway, and a temporary 6-foot tall chain-link fence along the eastern edge of the stone walkway to surround and contain the residence, garage, and driveway during construction activity. The property is located at 12990 Sir Francis Drake Boulevard in Inverness, and is further identified as Assessor's Parcel Number 112-042-07.

The existing, legally-permitted fence running along Sir Francis Drake Boulevard and Camino Del Mar may remain and be maintained consistent with provisions contained within the Marin County Code. However, the proposed 7-foot tall "living fence" is not approved as part of this project and shall not be installed.

2. EXCEPT AS MODIFIED BY THESE CONDITIONS OF APPROVAL, plans submitted for a Building Permit shall substantially conform to plans on file with the Marin County Community Development Agency identified as "Exhibit A," entitled, "Weltman/Butler," consisting of 11 sheets prepared by Jessup Associates, dated August 1, 2011, revised November 3, 2011, and February 21, 2012.

3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board on file with the Marin County Community Development Agency entitled, "Weltman/Butler Residence – Material & Color Board," further identified as "Exhibit B," and including:
 - a. Class A Composition Roofing Shingles: "Pabco – Weathered Wood" (charcoal grey/brown color)
 - b. Hardi Shingle Siding – Benjamin Moore "Eucalyptus Leaf" (dark olive green color)
 - c. Hardi Plank Siding – Benjamin Moore "Penny" (brown color)
 - d. Benjamin Moore "Natural Wicker" windows and doors (tan/crème color)

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 Coastal Permit and Design Review 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. Any significant alteration of land forms, including removal or placement of vegetation, or placement of fill, are prohibited unless the applicant obtains Coastal Permit approval pursuant to Section 22.56.055.B of the Interim Marin County Development Code.
10. 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.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
12. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file this Notice of Decision, including all conditions of project approval, with the Marin County Recorder's Office to advise future property owners of the special development restrictions relative to Third Valley Creek and surrounding wetland and riparian habitats.
13. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Community Development Agency – Environmental Health Services Division

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a deed restriction stipulating that the room next to the family room labeled "studio" is not to be used as a bedroom. Contact Environmental Health Services staff for the recordation document.
15. BEFORE FINAL INSPECTIONS, the applicant shall provide a septic inspection to verify that the system is operating properly.

Marin County Department of Public Works - Land Use and Water Resources Division

16. Any site improvement, such as driveway, retaining walls, grading, drainage, etcetera, shall conform to Title 24 of the Marin County Code or as approved by the Department of Public Works (DPW) and the Fire Department.

The following conditions from the Department of Public Works must be addressed BEFORE ISSUANCE OF A BUILDING PERMIT.

17. There are several easements that appear in the Title Report. For clarity, please show and label (delineation, purpose, recordation/map number) all easements appearing in the Title Report on site plan. Provide recorded documentation if any of the easements in the Title Report have been quit-claimed. If any of the existing easements are found to encroach upon by any existing structure, then measures to either relocated or quit-claim the easement shall be taken.
18. Provide a drainage plan for the new roof. California Plumbing Code §1101 requires roof gutters and downspouts. Additionally, the downspout discharge shall be away from the foundation as per 2010CBC§1804.3.
19. An encroachment permit shall be required for any work within the road right-of-way; including fence work.
20. Due to the close proximity of the fence to a natural watercourse, non-native/invasive vegetation is prohibited.
21. Provide a note on the Site Plan that states the following: "The design engineer/architect shall certify to the Department of Public Works in writing that all drainage construction was completed in accordance with the approved plans and field inspections. Also, all drainage improvements shall be inspected by a Department of Public Works engineer prior to building permit final."

Inverness Public Utility District (water and fire)

22. An automatic interior residential fire sprinkler system may be required per Marin County Code.
23. Installation of fire sprinklers may require upgrading the sizing of the water service.
24. 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 RESOLVED that the applicant must vest this approval by obtaining a Building Permit or other construction permit for the approved work and substantially completing the improvements in accordance with the approved permits by April 26, 2014, 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 22.56.120 of the Interim 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 to the Coastal Permit and Design Review at least 10 days before the expiration of the Coastal Permit and Design Review approvals.

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 **12:00 p.m. on May 3, 2012.**

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 26th day of April, 2012.



BENJAMIN BERTO, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary