

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 12-113

A RESOLUTION APPROVING THE  
FALL COASTAL PERMIT AND DESIGN REVIEW  
24 CAMERON STREET, INVERNESS  
ASSESSOR'S PARCEL 112-232-03

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SECTION I: FINDINGS

- I. WHEREAS Margaret Fall is requesting a Coastal Permit and Design Review approval to construct a 750-square-foot detached accessory structure on a 12,800-square-foot property that is currently developed with an existing single family residence. The accessory structure would attain a maximum height of 15 feet and would be located approximately 67 feet from the westerly front property line, 27.8 feet from the easterly rear property line, 12.4 feet from the northerly side property line, and 27.8 feet west of existing residence. The project received Coastal Permit and Design Review approval on February 11, 2010, which subsequently expired. There are no proposed changes to the previously approved project. The subject property is located at **24 Cameron, Street, Inverness**, and is further identified as **Assessor's Parcel 112-232-03**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing October 11, 2012, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails the construction of a new detached structure, which is accessory to a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan, the Marin County Interim Zoning Ordinance, and the Inverness Ridge Community Plan for the following reasons:
  - A. The project would be consistent with the C-SF3 (Coastal single-family, 1 to 5 acre minimum lot area, 1 unit/1-5 acres);
  - B. The project would result in the construction of a detached accessory structure that supports the use of the property for single-family residential development, a principally permitted use under the governing C-RSP-1 (Coastal, Residential, single-family planned, 1 unit/acre).
  - C. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard. A qualified geotechnical engineer has attested to the stability and lack of hazards at the project site;
  - D. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;

- E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
- F. The project would minimize soil disturbance and maximize the retention of existing vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

**A. Water Supply**

The existing residence is currently served by the Inverness Community Public Utilities District. The District has indicated that it has adequate capacity to serve the additions to the residence.

**B. Septic System Standards**

The residence would be served by an existing on-site septic system, which has been permitted by the Marin County Environmental Health Services and deemed appropriate to serve the project.

**C. Grading and Excavation**

Total grading and excavation would be limited to the amount necessary to construct the modestly sized detached accessory structure. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

**D. Archaeological Resources**

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of high archaeological sensitivity. Standards conditions of project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

**E. Coastal Access**

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

**F. Housing**

The proposed project would not negatively affect the housing stock of the Inverness community because it does not involve demolition of any housing units.

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

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream indentified on the Inverness Quadrangle of the U.S. Geological Survey Maps.

#### **H. Dune Protection**

The proposed project is not located in a dune protection area as indentified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

#### **I. Wildlife Habitat**

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicate that the subject property is located in an area potentially containing rare wildlife species including the pallid bat (*Antrozous pallidus*) and Point Reyes mountain beaver (*A. rufa phaea*). The project would take place in a grassy hillside and would have no impact to those species.

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

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is located in an area containing the following rare plants: Marin knotweed (*Polygonum marinense*), Lyngbye's sedge (*Carex lyngbyei*), Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), coast lily (*Lilium maritimum*), Marin Hesperian (*Vespericola marinensis*), and the North Coast phacelia (*Phacelia insularis* var. *continentis*). The project site is developed with a single-family residence, driveway, onsite parking, and vegetation at the site consists of disturbed ruderal vegetation that is unlikely to provide habitat for such species.

#### **K. Shoreline Protection**

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

#### **L. Geologic Hazards**

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies within the delineated boundaries of the San Andreas Fault zone. However, the detached accessory structure would be constructed with building permits and built to the standards established by the California Building Code, therefore the project poses no safety threats relative to geologic hazards.

#### **M. Public Works Projects**

The proposed project will not affect any existing or proposed public works project in the area.

#### **N. Land Division Standards**

No land division is proposed as part of this project.

**O. Visual Resources**

The project entails the construction of a modest 750-square foot detached accessory structure. While the project would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

**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 have any impact upon recreation or visitor facilities.

**Q. Historic Resource Preservation**

The subject property is not located within any designated historic preservation boundaries of the Inverness Community as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Interim Zoning Ordinance can be made based on the following findings:

**A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the accessory structure would have a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would not impact visual resources. Further, the project is consistent with the Inverness Ridge Community Plan and therefore would not be incompatible with the neighborhood.

**B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project would maintain adequate setbacks from all property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

**C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

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

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project is located on a developed, landscaped property and would require no tree removal and would conserve non-renewable energy and natural resources. However, there is insufficient landscaping between the proposed structure and the property line to assure privacy for the adjacent property, therefore as a Condition of Project Approval a landscape plan will be required.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the small size of the detached accessory structure minimizes the appearance of mass and bulk and visual impacts.

- 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;**

The detached accessory structure has been designed to minimize adverse visual effects related to design and building massing. It has adequate setbacks to all property lines and designed to blend in to the existing development. The height of the structure, 15 feet, complies with the height limit for accessory structures. While the detached structure does contain two stories, is inconsistent with Marin County Code (MCC) Section 22.70.060I, MCC Section 22.47.010I - *Application of Specific Regulations* allows the planning director to determine that a proposed development is within the intent and objectives of the zoning district in which the proposed development is located. As the detached accessory structure meets the 15 foot height limit established by the C-RSP zoning district in MCC Section 22.57.086I.2.e, staff finds that the additional story is in keeping with the intent and objective of the C-RSP zoning district standards.

- 2. Drainage systems and appurtenant structures;**

All project plans have been reviewed by the Department of Public Works. The detached accessory structure is in conformance with the Single-family Residential Design Guidelines.

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

The proposed project has been designed to minimize the amount of grading.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

5. **Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B and D above, as conditioned, the project would not result in the loss of light, views, or privacy to adjacent residences.

- G. **The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The project would be required to meet Title 24 and Ordinance 3492, and would not require any tree removal.

- H. **The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project, as conditioned, is consistent with all applicable regulations and as described in F above, meets the design guidelines, and would not be detrimental to the public or County.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Fall Coastal Permit and Design Review (EX 31-2), subject to the following conditions:

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

1. Pursuant to Interim Zoning Code Sections 22.56.130I (Coastal Permits) and 22.82.040I (Design Review), the Fall Coastal Permit and Design Review are approved to construct a 750-square-foot detached accessory structure on a 12,800-square-foot property that is currently developed with an existing single family residence. The accessory structure is approved to attain a maximum height of 15 feet and to be located approximately 67 feet from the westerly front property line, 27.8 feet from the easterly rear property line, 12.4 feet from the northerly side property line, and 27.8 feet west of existing residence

The subject property is located at **24 Cameron, Street, Inverness**, and is further identified as **Assessor's Parcel 112-232-03**.

This decision pertains only to the proposed development and grants no approval for existing unauthorized or non-conforming structures located on or adjacent to the subject property.

This decision certifies the proposed project's conformance with the requirements of the Marin County Interim Zoning Ordinance 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, and the Muir Beach Community Services District.

2. Plans submitted for building permits shall substantially conform to plans identified as **Exhibit A** entitled, "Proposed Second Unit In-law Project," consisting of 9 sheets prepared by Singer and Associates and received December 22, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially match the existing residence including:
  - a. Siding – manufactured wood shingles and grey/green clapboard siding. If shingles are used for siding, they are to be Hardshake or similar manufactured Class A material.
  - b. Windows – white vinyl windows
  - c. Roof – non-combustible composition shingle or similar material, to be approved by the Planning Department

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

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a landscape plan review and approval by the Community Development Agency. The landscape plan shall depict landscaping to adequately screen the detached accessory structure from the northwesterly neighboring property.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary fencing around the area of the leachfield and septic tanks to protect them from construction traffic and debris. The fencing shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
7. 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.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of

an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

9. All construction activities shall comply with the following standards:
  - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday.** No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin, the Inverness Public Utilities District and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Fall Coastal Permit and Design Review (EX 13-2), for which action is brought within the applicable statute of limitations.
11. 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.
12. BEFORE FINAL INSPECTION, the applicant 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.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

13. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
14. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
15. A separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge). Include engineer calculations



showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.

16. Provide two additional guest parking spaces. The two guest spaces shall be independently accessible to each other, but may be in tandem with the two resident spaces. All or part of the guest spaces may extend onto the driveway approach (the portion of driveway in the right-of-way), but shall not block the second unit parking space.
17. The resident parking spaces shall be independently accessible to each other and the second unit space shall be independently accessible to all other parking spaces. The proposed second unit parking space appears to interfere with one of the resident spaces. Revise the plans to meet the parking requirements.
18. Submit Erosion and Siltation Control plans.
19. Provide a drainage plan for the project. Drainage at the foundation shall slope a minimum of 5% for 10-feet. Also, provide a means for managing impervious runoff so as not to cause erosion or cross property lines.
20. Provide a drainage plan for the retaining wall back-drain. Show locations of cleanouts and erosion control management at the drainage outfall.
21. The driveway approach (portion of driveway within the right-of-way) shall be paved with asphalt from the edge-of-pavement of Cameron Street, to the property line.
22. Due to the narrow condition of Cameron Street, no parking of construction vehicles or construction equipment shall be allowed on Cameron Street so as to impede vehicular access in any way.
23. A Standard Encroachment Permit shall be required for all work within the road right-of-way.
24. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

#### Inverness Public Utility District

25. The installation of residential fire sprinklers may require upgrading of the existing water service. If an upgrade is required by the fire sprinkler engineer, then owners will be required to enter into a service agreement with Inverness PUD for the upgrading of the service.
26. It is noted that the plans call for a wood shake roof. Such a roof is not permitted in Marin County. All materials must comply with Marin County Building Codes for fire resistance.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **October 11, 2014**, 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.

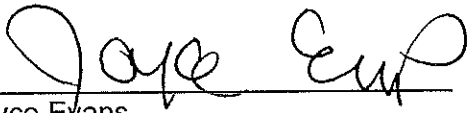
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on **October 18, 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 11<sup>th</sup> day of October 2012.

  
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BENJAMIN BERTO  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

  
\_\_\_\_\_  
Joyce Evans  
DZA Secretary