



**STAFF REPORT TO THE MARIN COUNTY  
DEPUTY ZONING ADMINISTRATOR  
HILL COASTAL PERMIT AND DESIGN REVIEW**

**RECOMMENDATION: Approve with Conditions**  
**HEARING DATE: December 13, 2012**

Project ID No:	12-0046	Applicant:	Paul Korhummel
Application No(s):	CP 12-10 & DR 12-49		
Agenda Item:	2	Owner:	Susan Hill
Last Date for Action:	January 13, 2013	Assessor's Parcel No:	112-080-11
		Property Address:	350 Via de la Vista, Inverness
		Project Planner:	Lorene Jackson (415) 473-5084 lajackson@marincounty.org
		Signature:	

Countywide Plan Designation: C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres)  
Community Plan Area: Inverness Ridge Communities Plan  
Zoning: C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres)  
CEQA: Categorically Exempt per Section 15303, Class 3

### PROJECT DESCRIPTION

The applicant, Paul Korhummel, on behalf of the owner Susan Hill, is requesting Coastal Permit and Design Review approval to construct the following: 1) a 750-square foot structure with a 540-square foot garage and 2) a 300-square foot utility building. These detached structures would be accessory to an existing 1,283-square foot single-family residence on a 2.7-acre lot: The two-story building with garage would attain a maximum height of 19 feet above natural grade and the utility building would attain a maximum height of 14 feet. The project would result in a 2% floor area ratio and have the following setbacks: 250 feet from the southerly front property line, 45 feet from the easterly side property line, approximately 85 feet from the west property line, and 295 feet from the north rear property lines. Site improvements include the following: 1) a new driveway running approximately 140 feet from the existing driveway and 2) a 30-foot long retaining wall along the westerly side of the driveway that attains a maximum height of 8 feet next to the new building and tapers to grade. Grading for the access road would occur from September to February. The project would entail the removal of two tanoak trees. Zoning for the project site is C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres.). A Coastal Permit is required for substantial development in the Coastal Zone. Design Review is required for new buildings and site improvements in a Planned District.

## **PROJECT SETTING**

The subject property is bordered by the Tomales Bay State Park to the north and by single-family residences to the south, east, and west. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles.

The property is accessed from Via de La Vista by a 30-foot access easement running along the westerly property line of the adjacent neighbor at 320 Via de la Vista. The existing driveway continues along the westerly side property line of the subject to the existing single-family residence at the northerly rear of the lot. The wooded project site was recently cleared to design the project and set up story poles. According to the arborist report, four trees with stump diameters greater than six inches were cleared from the project site within the last two years: two tanoaks (12 inch and 14 inch diameter), one bay (18 inch diameter), and one live oak (7 inch diameter.) The proposed project would entail the removal of two additional tanoak trees (10 inch and 11 inch diameter) and a large pine snag. According to the arborist report, the pine snag is a safety hazard and the tanoaks are infected with the pathogen that causes Sudden Oak Death and may die within the year. The arborist recommends the removal of all three trees for safety and fire hazard. The arborist made recommendations for the preservation of three healthy trees next to the project: one 30-inch tanoak and two live oaks (12 inch and 20 inch.) There are no wetland or stream corridors on the property.

Lot size: 115,870 square feet

Adjacent Land Uses: Single-family residential and parklands

Vegetation: Oak, bay, and Bishop pine woodland

Topography and Slope: Gentle slope (10-15%)

Environmental Hazards: Very high fire hazard and in close proximity to the Alquist-Priolo Special Study Zone

According to the County's GIS Natural Diversity database, The County GIS Natural Diversity Database indicates the potential location of the following special status species: Marin Knotweed, California Beaked-rush, and Point Reyes Mountain Beaver. Two northern spotted owl nests have been identified within a half mile of the project site.

## **BACKGROUND**

The property is currently developed with a 1,283-square foot single family residence, driveway, and septic system. No previous planning permits are on record for the property. The current application was filed on February 27, 2012. The applicant has provided the following reports:

- Preliminary Soils and Foundation Evaluation Letter by Bogos Toriskian, dated January 31, 2012
- Arborist Report from Nick Whitney, dated July 24, 2012
- Biological Assessment by Greg Deghi, Huffman Broadway Group, dated August 8, 2012

The project was transmitted to the Marin County Department of Public Works (DPW). Environmental Health Services (EHS), Marin County Fire Department, Inverness Public Utility

District, Inverness Association, Tomales Bay State Park, and the California Coastal Commission. Comments received from DPW, EHS, Inverness Public Utility District, and the Inverness Association are attached. (Please see Attachments 6, 7, 8, and 9.) No other comments were received from reviewing agencies or districts. During project review, story poles were installed to demonstrate the visual impacts of the project. After a site visit, the project was deemed complete.

During the review process, the applicant revised the project in response to comments from reviewing agencies and technical reports. Initial plans for a 1,037-square foot guesthouse and 750-square foot garage were reduced to the currently proposed 750-square foot second unit with a 540-square foot garage and a 300-square foot storage/utility building. Based on the recommendation of the arborist, the storage building was moved to 10 feet from a 30-inch diameter tanoak to better protect the root system.

While the accessory structure is proposed for use as a second unit, Second Unit Permits are ministerial. Therefore, a separate Administrative Decision would be issued after the appeal period for the approved project. The application was transmitted to agencies and local groups as a proposed second unit.

## **PUBLIC COMMENT**

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property.

A letter of support was received from the adjoining neighbor to the west at 360 Via De la Vista. (Attachment 10.) A letter was also received from the adjacent neighbor to the east at 255 Camino de Mar indicating that existing foliage provide adequate screening and they do not object to the 19-foot height of the proposed structure. They do request re-vegetation of a wooded buffer along the easterly side property line that was trampled during clearing of the project site. They also expressed concern about the drainage from the project, as well the location and use of the utility building. (Attachment 11.) It is noted that the shed was moved closer to the house to protect a healthy 30-foot tanoak and no plumbing is proposed for the building. The drainage plan would be approved by the Department of Public Works during the Building Permit process.

At the time of this report, no other comments were received from the public regarding this project.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Hill Coastal Permit and Design Review.

Attachments:

1. Recommended Resolution approving the Hill Coastal Permit and Design Review
2. CEQA Exemption
3. Location Map

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4. Assessor's Parcel Map
5. Exhibit A – Site Plan, Floor Plan, Elevations, and Cross-sections
6. Department of Public Works Memo, 8/28, 2012
7. Environmental Health Services Memo, 8/21/2012
8. Inverness Public Utility District Memo 3/21/2012
9. Bridger Mitchell, Inverness Association Emails 8/29/2012 and 10/17/2012
10. Norma Wells, Letter, 2/24/2012
11. Cornelia Calhoun, Letter, 10/17/2012

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE  
HILL COASTAL PERMIT AND DESIGN REVIEW  
350 VIA DE LA VISTA, INVERNESS  
ASSESSOR'S PARCEL 112-080-11

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**SECTION I: FINDINGS**

- I. WHEREAS Paul Korhummel, on behalf of the owner Susan Hill, is requesting Coastal Permit and Design Review approval to construct the following: 1) a 750-square foot structure with a 540-square foot garage and 2) a 300-square foot utility building. These detached structures would be accessory to an existing 1,283-square foot single-family residence on a 2.7-acre lot: The two-story building with garage would attain a maximum height of 19 feet above natural grade and the utility building would attain a maximum height of 14 feet. The project would result in a 2% floor area ratio and have the following setbacks: 250 feet from the southerly front property line, 45 feet from the easterly side property line, approximately 85 feet from the west property line, and 295 feet from the north rear property lines. Site improvements include the following: 1) a new driveway running approximately 140 feet from the existing driveway and 2) a 30-foot long retaining wall along the westerly side of the driveway that attains a maximum height of 8 feet next to the new building and tapers to grade. Grading for the access road would occur from September to February. The project would entail the removal of two tanoak trees. A Coastal Permit is required for substantial development in the Coastal Zone. Design Review is required for new buildings and site improvements in a Planned District. Zoning for the project site is C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres.). The subject property is located at **350 Via De la Vista, Inverness** and is further identified as **Assessor's Parcel 112-080-11**.
  
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing December 13, 2012, 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 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 Section 15303, Class 3 because it entails construction of accessory structures on a developed lot that would not result in potentially significant impacts to the environment. An August 8, 2012 Biological Assessment prepared by Gary Deghi, Huffman-Broadway Group, Inc. concluded that the proposed project would not result in any significant adverse impacts on special status plant or animal species.

- 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 entail the removal of only those native trees within the footprint of the project and would require planting replacement trees.
  - 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 the Biological Assessment prepared by Gary Deghi, Huffman-Broadway Group, Inc. concluded that the proposed project would not result in any significant adverse impacts on special status plant or animal species. In particular, 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 or the project would have no adverse impact:
    - a. The Marin Knotweed - This species is found in salt marshes, which is not present on the subject property.
    - b. California Beaked-rush - This species required freshwater seeps and open marshy areas that are not present on the property
    - c. Point Reyes Mountain Beaver – The biologist searched the project site but no burrows were found that could be used by this species.
    - d. Northern Spotted Owl –The project site is located approximately 1,490 feet and 2,420 feet from two Northern Spotted Owl nesting sites, distances at which no significant auditory and visual disturbance would occur from the proposed construction.
    - e. During site visits on June 6 and July 16, 2012, the biologist identified an osprey nest over 100 feet from the driveway entrance and over 200 feet from the proposed construction site. While not listed in the CNDD as a special status species, the osprey is considered a species of special concern in California with respect to nesting habitat. Since the proposed grading for the driveway would not occur during the osprey nesting period, the biologist determined that the project would have no significant impacts on nesting osprey. Construction noise generated at the project site would not result in impacts to a nesting pair.
  - 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 riparian, shoreline, and ridgeline area 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 would need to comply with the standards and best management practices required by the Department of Public Works, as verified during review of the Building Permit application.

- F. The project would be constructed in conformance to County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8.*)
  - 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*) as verified by the fire department as a condition of approval.
  - H. The project would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because no exterior up-lighting is 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.
  - 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 would entail the construction of detached accessory structures, which are permitted uses under the governing zoning district and would be compatible with the surrounding residential uses. The height of the structures would not adversely impact the adjacent neighbors or neighborhood.
  - B. The project would be architecturally consistent with its surroundings, would not be unsightly in design, would be of appropriate scale, and would not create substantial disharmony with its locale and surroundings. To ensure the least amount of visual intrusion into the landscape, exterior building materials would be redwood and earthtone stucco.
  - C. 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.

- D. The proposed project is sufficiently set back from the property lines and existing vegetation would be retained to maintain the health of the woodland and to provide screening.
  - E. A predevelopment geotechnical investigation was submitted as part of the project, which indicated that the site is suitable for the proposed project.
  - F. The project will not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.
- 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 and may require an upgrade of the water supply line for the project. The District did not present opposition to the project.

**B. Septic System Standards:**

The subject property is currently served by an on-site water disposal system. Marin County Environmental Health Services reviewed the proposed project and found it acceptable for the current system. As a condition of approval, the applicant would be required to submit a passing performance evaluation of the existing septic system and submit an application to pump the wastewater from the new unit to the existing septic tank serving the main residence.

**C. Grading and Excavation:**

Grading and excavation would be limited to the area of the project, including the driveway. To minimize the building footprint, the proposed structure would be set into the moderate hillside so that the flat roof of the garage would be used as a 360-square foot deck. The project would result in the excavation of approximately 350 cubic yards of soil that would be used as fill for the driveway and turnaround area. To ensure consistency with Marin County requirements, all excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division,

**D. Archaeological Resources:**

Review of the Marin County Archaeological Sites Inventory indicates that the project site is not located in an area of archaeological sensitivity. Nonetheless, a standard condition of approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.



**E. Coastal Access:**

The project is not located adjacent to the shoreline and would not impede coastal access provided by existing rights-of-way.

**F. Housing:**

The proposed project would entail construction of a new accessory structure and, if approved as a second unit, would increase the availability of housing stock in Inverness.

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

The 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 project site is not located in a dune protection area identified by 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. Similarly, the proposed project would not remove native vegetation identified for habitat protection in the Local Coastal Plan. 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 Point Reyes Mountain Beaver. As noted in Section IV.B above, this species is not present on the subject property. The project site is also located at a distance from two Northern Spotted Owl nests where no significant auditory and visual disturbance would occur from the proposed construction. The biologist identified an osprey nest in the vicinity of the proposed construction site. Based on the project design, the biologist determined that the project would have no significant impacts on nesting osprey.

**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 Marin Knotweed and California Beaked-rush. However, as discussed in Section IV.B above, conditions required for these plants are not present on the property.

**K. Shoreline Protection:**

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

**L. Geologic Hazards:**

The project site is located in close proximity to the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the California Building Code during the building permit process. In addition, as a condition, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

**M. Public Works Projects:**

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

**N. Land Division Standards:**

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

**O. Visual Resources:**

The height, scale, and design of the proposed development, including retaining walls, are compatible with the architectural style and character of surrounding community and existing structures on-site. As proposed, lighting will 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 typical 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. The addition height would not adversely impact the adjacent neighbors or neighborhood. The structure would be adequately screened by existing trees and vegetation. Therefore, 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. Additionally, MCC Section 22.70.060l allows detached accessory structures to exceed the 15-foot height limit if the structure is located at least 40 feet from any property line. The proposed accessory structure is located 45 feet from the nearest property line.

**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 22.82.040I 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 Sections 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 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 compatible with the architectural design of the existing single-family residence, the site surroundings, and the community.

While Marin County Code Section 22.57.086.2.a recommends clustering, this must be consistent with the need for privacy to minimize visual and noise intrusion into each unit's indoor and outdoor living areas. While clustering is especially important on open grassy hillside, as described in the Code, a greater scattering of buildings may be preferable on wooded hillside to save trees. In this case, the location of the existing septic tank and woodlands near the existing single-family residence and the configuration of the long narrow lot prevent clustering the new structures near the main house. The accessory structures are located in the middle of the large lot and would be screened by existing trees and shrubs as well as the landscaping required to replace trees removed to clear the project site. This is consistent with the intent of the planned district standards.

**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;**

The project would maintain sufficient setbacks from all property lines so that the project would not result in the loss of light or privacy to adjacent neighbors. All development would be contained within the parcel and would not impact development on public lands or rights-of-way.

- 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 proposed project would remove two tanoaks: one 10-inch and another 11-inch diameter. According to the arborist report, these tanoaks are infected with the pathogen that causes Sudden Oak Death and may die within the year. The arborist recommended the removal of these trees for safety and fire hazard. The arborist further indicated that four trees with stump diameters greater than six inches were cleared from the project site within the last two years: two tanoaks (12-inch and 14-inch diameter), one bay (18-inch diameter), and one live oak (7-inch diameter.) Additionally, during the clearing of these trees, understory brush was trampled along the easterly side property line. Since the property is wooded and native understory should regenerate, only a one to one replacement will be required. This will result in the planting of six new trees. The types of trees are based on the arborist's report, which recommended the following: 1) no more than two live oaks since the site will most likely regenerate with healthier native trees than can be planted from nursery stock and 2) understory species like toyon, hazelnut, and coffeeberry. Re-vegetation would be required in the gap along eastern property line. Any other areas disturbed by construction would be reseeded with native grasses for erosion control.

The arborist's recommendations for the preservation of three healthy trees next to the project (a 30-inch tanoak, 12-inch live oak, and 20-inch live oak) are incorporated as conditions of approval. As further conditioned, temporary construction fencing would be installed around the dripline of the existing trees for protection from construction activity.

- 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 proposed project has been designed to minimize adverse visual effects related to design and building mass. The uphill portion of the structure would be cut into the hillside so that the structure is approximately 11 feet above natural grade on the northern uphill elevation. The project incorporates articulations and height changes, which minimize overall mass and bulk. There are no unbroken vertical walls on the structure.

As noted above in Section VI.O, the height and scale of the project is compatible with the architectural style and character of the surrounding community and existing residence on-site. The proposed project would be unobtrusive and utilize colors and materials that blend with the natural landscape. All exterior

lighting would be directed downward and 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, as conditioned, additional landscaping and re-vegetation.

Marin County Code Section 22.72.050I requires detached structures to be located no closer than six feet to another accessory building. Excluding eaves, which are allowed projections into setbacks, the proposed utility shed would be located 10 feet from the main accessory structure and is consistent with this requirement.

**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);**

Grading would be limited to the footprint of the structures and driveway. The project would result in approximately 350 cubic yards of cut, which would be used on site.

**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.

**SECTION II: DECISION**

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Hill Coastal Permit and Design Review subject to the conditions of approval listed below. This approval authorizes the construction of the following: 1) a 750-square foot structure with a 540-square foot garage and 2) a 300-square foot utility building. These detached structures are approved to be accessory to an existing 1,283-square foot single-family residence on a 2.7-acre lot: The two-story building with garage is approved to attain a maximum height of 19 feet above natural grade and the utility building is approved to attain a maximum height of 14 feet. The project is approved to result in a 2% floor area ratio and have the following setbacks: 250 feet from the southerly front property line, 45 feet from the easterly side property line, approximately 85 feet from the west property line, and 295 feet from the north rear property lines. Approved site

improvements include the following: 1) a new driveway running approximately 140 feet from the existing driveway and 2) a 30-foot long retaining wall along the westerly side of the driveway that attains a maximum height of 8 feet next to the new building and tapers to grade. Grading for the access road shall occur from September to February. The removal of two tanoak trees is approved as part of this project only. The subject property is located at **350 Via De la Vista, Inverness** and is further identified as **Assessor's Parcel 112-080-11**.

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 Inverness Public Utility District.

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

Marin County Community Development Agency, Planning Division

#### Standard Conditions

1. Except as modified by these conditions, plans submitted for a Building Permit shall substantially conform to plans identified as follows:
  - a. **Exhibit A** entitled "Lands of Hill Trust" consisting of consisting of Sheet 1 prepared by L.A. Stevens & Associates dated September 8, 2011/October 15, 2012 and received October 15, 2012 and the following six sheets prepared by Paul Korhummel: Sheets 3, 6, and 7 dated and received October 15, 2012, Sheet 4 dated and received November 1, 2012, and Sheets 2 and 5 dated and received November 5, 2012.
  - b. **Exhibit B** entitled "Arborist Report," consisting of 4 pages prepared by Nick Whitney, dated July 24, 2012 and received august 7, 2012.

All the above exhibits are on file with the Marin County Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede **Exhibit A**.
  - a. Revise site plans to include the following:
    - i. The location of the tank and line connecting to the existing septic system, indicating the proximity to existing trees.
    - ii. The location of the propane tank to be shielded by vegetation or a screened enclosure.

- b. Revise the retaining wall and walkway northeast of the entrance to the main accessory structure to maintain a setback of at least 7 feet from the 12-inch oak tree.
  - c. Revise the vegetation management plan and provide a landscape plan with irrigation to include the following:
    - i. Two 15-gallon sized live oak trees
    - ii. Four 15-gallon native understory trees such as toyon, hazelnut, and coffeeberry
    - iii. Re-vegetation of the understory brush along the eastern side property line in the vicinity of the neighbor's apple orchard
3. Approved exterior building materials and colors shall substantially conform to the elevations in **Exhibit A** and the materials sample board identified as **Exhibit C**, received February 27, 2012, and on file with the Marin County Community Development Agency including:
- a. Upper floor siding – Natural redwood board and batten
  - b. Garage siding and retaining walls – Earthtone beige stucco
  - c. Roof – Corrugated metal roof, dark green
  - d. Trim – Natural redwood
  - e. Sash – Dark green to match roof

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

- 4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes. All site and grading plans shall clearing indicate that grading for the access road will occur from September to February.
- 5. BEFORE ISSUANCE OF A BUILDING PERMIT, 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.
- 6. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties.
- 7. 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.

8. 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.
9. 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.
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. 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.

#### Landscaping and Tree Protection

12. Only those trees and vegetation identified in **Exhibit A** shall be removed for this project. No other existing trees and vegetation on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or general welfare. If additional trees and vegetation are proposed for removal, the applicant shall obtain prior written



approval from the Director for such action. Any damaged or removed tree not approved for removal shall be replaced with 24-inch box sized tree to the satisfaction of the Planning Director PRIOR TO FINAL INSPECTION.

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing as recommended in the arborist report and around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity including tanks and lines to the septic system. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
14. All site development construction practices shall be in accord with the recommended guidelines contained in **Exhibit B**. The project arborist shall monitor all construction activities, including overseeing the trenching and installation of connections to the existing septic system. Hand trenching is required for any portion of the septic line installed within the dripline of any tree to be preserved. Any trees removed or damaged during the construction of the septic line shall be replaced at a minimum ratio of one to one and subject to the approval of the Community Development Agency. BEFORE FINAL INSPECTION, the applicant shall submit a report from the arborist confirming that the project has complied with all of the best management practices and other requirements of the arborist's report.
15. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping and drip irrigation has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.

#### Department of Public Works

16. The California Business and Professions code prohibits altering professionally prepared plans without written permission granted by the registered professional whose professional stamp appears on the plans. The topographic survey prepared by L.A. Stevens & Associates has been altered without expressed permission. Information provided on the topographic survey may be used to prepare a site plan; however, it must be on a completely separate sheet unless written permission to alter the plan is granted by L.A. Stevens.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a "Stability Report prepared by a registered civil engineer with soils engineering expertise or a registered geotechnical engineer. The report must attest to the suitability and geological feasibility of placing a building on the site, the suitability of excavating for the retaining walls, identify any drainage or soils problems that the design of the project must accommodate, and shall include seismic design criteria.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a registered civil engineer with soils engineering expertise or a registered geotechnical engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.

19. BEFORE ISSUANCE OF A BUILDING PERMIT, provide the following notes on the plans: The design engineer/architect shall certify to the Department of Public Works in writing that all grading, drainage, and retaining wall construction was completed in accordance with the approved plans and field inspections. Also, all driveways, parking and other site improvements shall be inspected by a Department of Public Works engineer prior to building permit final.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a maximum-height cross section of all proposed site retaining walls. Include footings and the type of construction. Also, include cross section references on the site plan to the structural plans for the retaining walls.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate building permit is required for site/driveway retaining walls with a height of 4 feet or more or 3 feet when backfill area is sloped or has a surcharge (measured from the bottom of the footing to the top of the wall). A registered engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's wet stamp and signature. Engineer calculations shall show a minimum of a 1.5 factor-of-safety for sliding and overturning.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a construction-phase and post-construction-phase erosion and siltation control plan. The erosion and siltation control plan shall be consistent with the minimum county standards for construction sites.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, provide within the plans details for all drainage facilities. Also provide surface drainage plan details for all newly graded areas.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more detail on the grading plan. Show all new/proposed contours, all cut and fill quantities (in cubic yards) and the specific destination for all cut surpluses.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, pursuant to MCC§24.03.020, all site, grading and drainage plans shall be prepared by, or under the direct supervision of an appropriately registered professional in the state of California as the individual in responsible charge. Provide a wet stamp and signature of the individual in responsible charge on all site, grading and drainage plans.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, provide the existing and proposed driveway surfacing. Note that the driveway surfacing shall be consistent with MCC§24.04.320 and the approach shall be consistent with MCC§24.04.290(b).
27. BEFORE ISSUANCE OF A BUILDING PERMIT, show the driveway, parking and turnaround to accommodate for the proposed improvements at a minimum scale of 1/8" = 1.0' or 1:10. Parking areas shall be consistent with applicable subsections for residential properties pursuant to MCC§24.04.330-400. Also, turnarounds shall be in compliance with MCC§24.04.277.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, the turnout for the driveway shall be pursuant to MCC§24.04.275.

29. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a fire truck turnaround to be designed pursuant to MCC§24.04.150.
30. BEFORE ISSUANCE OF A BUILDING PERMIT, all driveway, turnouts and fire truck turnaround designs shall be reviewed and approved by the local county fire marshal.
31. BEFORE ISSUANCE OF A BUILDING PERMIT, all parking areas and turnarounds slopes should not be greater than 5% and shall not be greater than 8% in all directions.

Environmental Health Services

32. BEFORE ISSUANCE OF A BUILDING PERMIT, submit an application for a tank and pump to pump the wastewater from the accessory structure to the septic tank serving the main residence. Plans shall be prepared by a septic design consultant.
33. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a passing performance evaluation of the existing septic system.

Inverness Public Utility District - Inverness Fire Department

34. Interior residential fire sprinklers are required in the detached structure per Marin County Code.
35. BEFORE ISSUANCE OF BUILDING PERMIT, provide confirmation that the Vegetation Management Plan/Landscape Plan has been approved by the fire department.
36. BEFORE FINAL INSPECTION, the applicant shall provide confirmation that all Fire Department requirements have been met.

Inverness Public Utility District - Inverness Water System

37. Installation of the fire sprinklers may require upgrading the sizing of the water service. If a service upgrade is needed, the property owner will have to enter into a written agreement with the Inverness Water System to upgrade the property's meter and connection to the main. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation that all Inverness Water System requirements have been met.

**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 **December 13, 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 December 20, 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 13<sup>th</sup> day of December, 2012.

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BEN BERTO  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

Hill CPDR DZA staffrpt.docx