



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

**MARIN COUNTY PLANNING DIVISION
MINISTERIAL DECISION**
Brubaker Accessory Dwelling Permit

Decision: Approve
Date: June 5, 2020

Project ID No: P2683 Applicants: D William Hansell,
Architecture
Owners: Joseph and Marka
Brubaker
Assessor's Parcel No(s): 186-071-05
Property Address: 79 Inverness Drive, San
Rafael
Project Planner: Immanuel Bereket
415-473-2755
ibereket@marincounty.org

Signature:

Countywide Plan Designation: SF43 (Single Family, one unit per one to five acres)
Community Plan Area: None
Zoning District: R1-B4 (Residential, Single-Family District)
Environmental Determination: Exempt per CEQA Guidelines Section 15301(e)(1)

PROJECT SUMMARY

The applicant requests Accessory Dwelling Unit (ADU) Permit approval to establish an ADU in a new 1,166-square-foot addition on a developed lot in San Rafael. The new two-level, 1,166 square feet of proposed development was authorized under Design Review approval P2682. The 1,166 square feet of proposed development would result in a floor area ratio of 11.8 percent on the 42,296 square foot lot. The proposed building would reach a maximum height of 30 feet above surrounding grade, and the exterior walls would have the following setbacks: 60 feet one inch from the southern front property line; 41 feet five inches from the western side property line; and over 90 feet from all other property lines.

Accessory Dwelling Unit approval is required because the project entails establishing an Accessory Dwelling Unit.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Residential Accessory Dwelling Unit Permit (Marin County Code Section 22.56.050)

A. The accessory dwelling unit meets all Design Characteristics and other standards listed in Section 22.32.120 of this Development Code.

The project is consistent with the Design Characteristics and other standards in Section 22.32.120 for the following reasons: it would be compatible with the neighborhood; would have a kitchen and both a separate bathroom and entrance; the maximum floor area is under 1,200 square feet; it would be the only accessory dwelling unit on the lot; and it meets the Parking Criteria as described below.

B. If the lot is not served by a local sanitary district, adequate on-site sewage disposal will be available in compliance with County and State regulations.

The lot is served by the San Rafael Sanitary District

C. If the lot is not served by a local water district, adequate well water supplies exist to serve the accessory dwelling unit in compliance with County and State regulations.

The lot is served by the Marin Municipal Water District.

D. The addition of an accessory dwelling unit would incorporate materials, colors, and building forms that are compatible with the existing residence on the property.

The accessory dwelling unit would have metal roofing, board and wood siding, and the same wall-mounted light fixtures as the main residence.

E. An accessory dwelling unit shall be located outside of the Stream Conservation Area and identified Wetland Conservation Areas except under the following circumstances: (1) the unit is created within an existing authorized primary or accessory structure through the alteration of existing floor area without increasing the cubical contents of the structure (with the exception of minor dormers, bay windows, and stairwells); and (2) no site disturbance related to the provision of parking and access improvements or other construction encroaches into a Stream Conservation Area or Wetland Conservation Area.

The accessory dwelling unit is not located in a Stream or Wetland Conservation Area.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate

Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Accessory Dwelling Unit Permit authorizes an ADU in a new 1,166-square-foot addition on a developed lot in San Rafael. The new two-level, 1,166 square feet of proposed development was authorized under Design Review approval P2682. The 1,166 square feet of proposed development would result in a floor area ratio of 11.8 percent on the 42,296 square foot lot. The proposed building would reach a maximum height of 30 feet above surrounding grade, and the exterior walls would have the following setbacks: 60 feet one inch from the southern front property line; 41 feet five inches from the western side property line; and over 90 feet from all other property lines.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "79 Inverness Drive," consisting of 17 sheets prepared by Hansell Design, received in final form on March 9, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2020" with respect to all standard conditions of approval.

VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within **three years** of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

cc: *{Via email to County departments and Design Review boards}*
CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
Marin Municipal Water District

