

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 19-109

A RESOLUTION APPROVING THE DROHAN COASTAL PERMIT AND DESIGN REVIEW  
75 HEATHER LANE, INVERNESS  
ASSESSOR'S PARCEL: 112-201-09

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SECTION I: FINDINGS

1. **WHEREAS**, Nina Nazarov, Architect, on behalf of the owners, Tim Drohan and Cybelle Weir-Drohan, has submitted a Coastal Permit and Design Review application to demolish an existing 1,136-square-foot residence and construct a new 2,223-square-foot residence on a developed lot in Inverness. The 2,223 square feet of proposed development would result in a floor area ratio of 17 percent on the 131,772-square-foot lot. The proposed residence would reach a maximum height of 24 feet 10 inches above surrounding grade. Exterior walls of the principal residence would have the following setbacks: 46 feet 5 inches from the north front property line; 291 feet from the west side property line; 269 feet from the east side property line; 119 feet from the south rear property line. Other site improvements entailed in the proposed development include retaining walls that would reach a maximum height of 10 feet above grade.. The property is located at 75 Heather Lane, Inverness and is further identified as Assessor's Parcel 112-201-09.

2. **WHEREAS**, on June 27, 2019, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to [Section 15303, Class 3 of the CEQA Guidelines because it will not result in a potentially significant effect on the environment.

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.

- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
  - F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
  - G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
  - H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
  - I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.
5. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Code Section 22.56.130I).

**A. Water Supply.**

The project will use the Inverness Water System provided through the Inverness Public Utilities District (IPUD), which stated in its letter dated, November 7, 2018, that the application is complete for water system purposes. Because the project involves new sprinklers for fire protection, IPUD will require an upgrade to the property's meter and connection to the main with the installation of fire sprinklers.

**B. Septic System Standards.**

The property has an existing septic system that will be replaced through a permit with Marin County Environment Health Services (EHS). EHS provided comments on the project, stating that the septic system will need to be appropriately sized and that a site evaluation and percolation testing has been conducted, which showed potential for the installation of a septic system. EHS also noted that it will require a gray water system for waste discharge from the hot tub drain and outdoor shower. Therefore, with a permit from EHS, the project is consistent with this finding.

### **C. Grading and Excavation.**

The project site is steep with an average slope of 42 percent. The structure is designed to sit partially in the hillside, which will require grading. Per the project plans, approximately 390 cubic yards of cut and 95 yards of fill is required to accommodate the project. Approximately 295 cubic yards from the cut will be hauled offsite. The grading and drainage plans submitted by the applicant as well as the Stormwater Control Plan incorporate adequate measures into the project to control excess drainage and erosion. The original project design require much more grading and was modified, which greatly reduced the total amount of cut and fill. Therefore, the project is consistent with this finding.

### **D. Archaeological Resources.**

There are no known archeological sites on the property, but the property is located near an area of high archeological resource sensitivity. The property is already disturbed due to the existing residence and related activities that have occurred at the site in the past. It is therefore unlikely that there are archeological resources on the property. As a standard requirement, in the event archeological or paleontological resources are uncovered during construction, all work shall immediately cease and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate response measures. Therefore, the project is consistent with this finding.

### **E. Coastal Access.**

The project would replace an existing residence with a new residence on a property located in the hills on the southwest side of Tomales Bay. The property is not visible from Sir Francis Drake, nor is it visible from the ridges above. Therefore, the project does not have an impact on physical or visual access to Tomales Bay.

### **F. Housing.**

The project consists of the demolition of a residence and construction of a new residence in its place. Therefore, the project would not result in negative impacts to the availability of affordable housing stock.

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

The subject property is located outside of a stream or wetland buffer area, and therefore, is not subject to riparian protection policies.

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

There are no naturally occurring dunes on, or within the vicinity, of the project site; therefore the project is consistent with this finding.

**I. Wildlife Habitat Protection.**

Federal, state, and local agencies have identified Northern Spotted Owl nesting sites in the Inverness area. Two nest sites are located in the general vicinity of the project site. However, both sit more than 1,000 feet from the project, which is well outside of the range for additional protection measures to be required.

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

A search of the California Natural Diversity Database found that there are no records of rare plants on or around the project site. Therefore, the project is consistent with this finding.

**K. Shoreline Protection.**

The existing residence is located on a hill about a half mile from the Tomales Bay shoreline. No shoreline protection will be required.

**L. Geologic Hazards.**

The project is located in an area where the Seismic Shaking Amplification Hazard is high. The geotechnical investigation report prepared by Agnew Civil Engineering finds that the site will experience seismic ground shaking similar to other areas in the seismically active San Francisco Bay Area and determined that building in compliance with the California Building Code requirements would constitute appropriate measures to minimize that risk. Other geologic hazards identified in the report are slope creep due to the steeply sloping terrain and loose surface soils. The Geotechnical Report recommended drilled piers grounded on bedrock be incorporated into the building foundation. The report recommends measures to reduce erosion, which are incorporated into the grading and drainage plans submitted with the application. The Marin County Community Development Agency – Building and Safety Division would require seismic compliance with the California Building Code. The Department of Public Works will require further review of geotechnical as well as erosion and sediment control plans. They will also review additional sections and calculations for site retaining walls over four feet in height as noted in Attachment 5 of the Staff Report. Therefore, the project is consistent with this finding.

**M. Public Works Projects.**

The project will not affect any existing or proposed local public works projects in the area. Further, the project does not entail expansion of public roads, flood control projects, or utility services. Therefore, the project is consistent with this finding.

**N. Land Division Standards.**

The project does not include a land division.

**O. Visual Resources and Community Character.**

The project as proposed is located in a wooded area where trees screen the house from nearby roads. It would not impair or obstruct coastal views from any public street or public

viewing location. The height and design of the proposed residence are compatible with the character with the surrounding area. The dark siding and natural flagstone blend into the surrounding landscape and the house is similar in size to many in the area. Therefore, as conditioned, the project is consistent with this finding.

**P. Recreational/Commercial/Visitor Facilities.**

The project is not located within the C-VCR zoning district and additions of the existing residence would not have any impact upon recreation or visitor facilities.

**Q. Historic Resource Preservation.**

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

6. **WHEREAS**, the project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.82.040I).

**Mandatory Findings for Design Review (Marin County Code Section 22.82.040I)**

**A. It is consistent with the Countywide Plan and the Inverness Ridge Community Plan and local coastal program;**

As discussed in Findings Nos. 4 & 5 herein, the project is consistent with the Countywide Plan, the Inverness Ridge Community Plan, and Marin County's Local Coastal Program.

**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 designed to be compatible with the surrounding environment. It is located in a forested area where trees screen the house from nearby roads and other public locations. The height and design of the proposed residence are compatible with the character with the surrounding area. The dark siding and natural flagstone blend into the surrounding landscape and the house is similar in size to many in the area.

**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 property is already developed with a single-family residence. This proposal replaces that residence with an updated structure that is compatible with the surrounding environment. The project would neither inhibit future development of the area, nor create a disruption to the overall rural nature of the area. Further, the project would not impair, or interfere with the public's ability to enjoy the surrounding public land in the vicinity of the project site because the development is located solely on private property with substantial setbacks from surrounding properties.

- 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 project would not limit potential development on neighboring properties and would not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design, including drainage and erosion considerations as well as parking and driveway stipulations required by the Department of Public Works.

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

The proposed residence has been placed to minimize impacts to existing trees on the property. Construction of the driveway will require removal of one small redwood tree to achieve the required driveway slope. No mature, healthy, native trees will be removed from the property. The wooded nature of the property provides ample screening of the residence, except where the existing driveway will be removed and retaining wall will be installed that measures nine feet tall at its highest point. As conditioned, the project will include new landscaping to screen the retaining wall and replant the former driveway area.

- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

- 1. The scale, mass, height, area and materials of buildings and structures,**

The residence incorporates colors and materials which are in keeping with the surrounding community and environment. It cannot be seen from Sir Francis Drake or from Tomales Bay because it would be adequately screened by existing vegetation. The exterior colors and construction materials are unobtrusive and in keeping with the natural surroundings. All exterior lighting would be directed downward and shielded so as not to cast glare on nearby properties.

- 2. Drainage systems and appurtenant structures,**

All conceptual plans have been reviewed by the Department of Public Works (DPW) and are approvable. EHS also reviewed the project plans and EHS noted that it will require a gray water system or separate trench for waste discharge from the hot tub drain and outdoor shower.

- 3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,**

The project site is slightly steep with an average slope of 42 percent. The structure is designed to sit partially in the hillside, which will require grading. Per the project plans, approximately 390 cubic yards of cut and 95 yards of fill is required to accommodate the project. Approximately 295 cubic yards from the cut will be hauled offsite. The grading and drainage plans submitted by the applicant as well as the Stormwater Control Plan incorporate adequate measures into the project to control excess

drainage and erosion. Retaining walls are proposed to further stabilize the soils and provide some level ground on the project site. The front retaining wall measures nine feet tall at its highest point. The height is broken by a stepped wall in front of it that forms a planter and provides drainage capture. This wall exceeds the maximum four-foot wall that is normally allowed and would be visible from the street. Therefore, screening needs to be provided to avoid adverse visual effects to the public on the street. Therefore, the project is conditioned to include new landscaping in the planter and in front of the lower wall to screen it from the street.

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

The project has been reviewed by the Department of Public Works 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 wildlife.

**5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;**

The project as designed is consistent with the general height and bulk of other residences found in the community. It would not result in impacts upon sun and light exposure, views, vistas, and privacy presently enjoyed by neighboring properties because the surrounding trees provide screening that extends above the maximum height of the structure. Residences on contiguous developed lots are not visible from the property, thereby preserving privacy presently enjoyed by neighboring properties.

**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.**

The materials, design, and scale of the proposed residence are consistent with the style of houses found in the surrounding community. The proposed house will also need to satisfy all energy saving standards required by the Building Division prior to issuance of a building permit.

**SECTION II: ACTION**

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator 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.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Drohan Coastal Permit and Design Review subject to the conditions as specified below:

#### **CDA-Planning Division**

1. This Coastal Permit and Design Review approval authorizes demolition of an existing 1,136-square-foot residence and construction of a new 2,223-square-foot residence on a developed lot in Inverness. The 2,223 square feet of proposed development would result in a floor area ratio of 17 percent on the 131,772-square-foot lot. The proposed residence would reach a maximum height of 24 feet 10 inches above surrounding grade. Exterior walls of the principal residence would have the following setbacks: 46 feet 5 inches from the north front property line; 291 feet from the west side property line; 269 feet from the east side property line; 119 feet from the south rear property line. Other site improvements entailed in the proposed development include retaining walls that would reach a maximum height of 10 feet above grade. The property is located at 75 Heather Lane, Inverness and is further identified as Assessor's Parcel 112-201-09.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Weir-Drohan Residence," consisting of 26 sheets prepared by Nina Nazarov, Architect, received in final form on April 15, 2019, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. A revised site plan or a landscape plan shall be submitted for review and approval by the Planning Department, which shows proposed landscaping at the base of the lower retaining wall, below the proposed driveway, in the planter, and on the former driveway entry for the purpose of screening the front retaining wall from the street.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2019" with respect to all of the standard conditions of approval and the following Special Condition 4.

### **SECTION IV: VESTING**

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within two 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.



**SECTION V: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than five business days from the date of this decision (July 9, 2019).

**SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 27<sup>th</sup> day of June 2019.



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MICHELLE LEVENSON  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



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Michelle Reed  
DZA Recording Secretary