

SUPPLEMENTAL MEMORANDUM

TO: Michelle Levenson, Deputy Zoning Administrator
FROM: Kristin Drumm, Senior Planner
DATE: June 13, 2019
RE: Agenda Item 2: Additional letters from the public regarding Inverness Paradise (P2090)

Two additional letters were received from the public following the publication of the staff report (attachments 1 and 2). Both letters express concern regarding the legal status of the lower northeastern portion of the lot at the apex of Pine Hill Drive and Sir Francis Drake Boulevard. This lower lot contains a grove of large, heritage Buckeye trees and steep, unstable slopes, and is located entirely within a wetland buffer. The lot was created as part of Map of Pine Hill, Recorded Map Book 13, Page 2 and adopted by the Board of Supervisors on February 23, 1965 (attachment 3). This map shows the upper portion of the lot as "Lot 1" while the lower portion is noted as "Not a part of the subdivision." At some point the two lots were assigned Assessor Parcel Number 112-321-18.

The Inverness Association letter states the buckeye grove deserves permanent protection from development and suggests two options. One option would require merger of the two lots as a condition of approval if the parcel is composed of two separate legal lots. If the lots are not separate legal lots, they recommend a condition of approval that ensures a protective easement to prevent future development on this lot. Regarding the first option, the County cannot require merger since the lower parcel, at approximately 14,500 square feet in size, exceeds the 5,000 square foot area size limit per Marin County Code Section 22.92.020 (A)(2)(a). Regarding the second option, no nexus and proportionality exists to compel the County to impose such requirement. As shown on the plans, the applicant proposes to leave this area undeveloped as part of the project.

ATTACHMENTS

1. Inverness Association letter dated June 5, 2019
2. Letter from Inverness Residents: Lars Anderson, Tom and Barbara Gaman, Alex Hinds, Eloisa Mendoza-Hinds, and Elisabeth Ptak dated June 6, 2019
3. Map of Pine Hill, Recorded Map Book 13, Page 2



Kristin Drum, Senior Planner
Community Development Agency
3501 Civic Center Drive
San Rafael, CA

June 5, 2019

Re: DZA hearing 2 Pine Hill Drive, Inverness CA

Dear Kristin,

The Inverness Association would like to submit the following comments on the proposed development at 2 Pine Hill Drive, Inverness for consideration by the DZA.

The eastern portion of this property, at the apex of Sir France Drake Boulevard and Fox Drive, includes a notable grove of heritage buckeye trees (Sheet C0.1). The originally-submitted planning application (July 19, 2018, page 4) proposed a "bay view terrace" located in this grove and within the 100-foot wetlands building setback. This development is deleted on the April 3, 2019 resubmittal plan (Sheet A1.1).

The buckeye grove deserves permanent protection from development by the DZA. However, the grove is located in "parcel 2" (ROS, 1/19/08) and it is not clear whether "parcel 2" is a legal lot of record or is an indivisible component of assessor's parcel number 112-321-18. If "parcel 2" is separable from the building site on "parcel 1" then we suggest that the county require the merger of the two parcels before a building permit is issued. Otherwise, the county, faced with a potential "takings" claim, could be unable to limit future development on this "parcel 2". In the event that "parcel 2" is not a separate legal lot, we recommend a condition of approval that ensures a protective easement that prevents future development on "parcel 2."

Thank you for the opportunity to comment.

Thank you,

A handwritten signature in cursive script that reads "Catherine Caufield".

Catherine Caufield
Chair, Design Review Committee, Inverness Association

June 6, 2019

Kristen Drumm, Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive, San Rafael, CA

Re: Proposed residence originally submitted as 2 Pine Hill Drive, Inverness, CA 94937

Recently, five Inverness residents visited the proposed residential building site at 2 Pine Hill Drive and reviewed the story poles with the property owners, Christian and Pia Doegl. Those who attended agreed that the residential building location, home size and design were in general keeping with the home sizes and character of the neighborhood - assuming construction meets Marin County and State Coastal requirements and associated health, safety and environmental concerns applicable to the site.

However, a question remains: does the project site consists of one legal parcel or two? Currently, the proposed building site on "parcel one" is the only readily apparent building site. Information submitted on behalf of the applicants indicates a second, smaller even more highly constrained "parcel two" (under the same ownership) could be a separate legal lot - or not - located closer to the intersection of Pine Hill Drive, Sir Francis Drake Blvd. and Chicken Ranch Beach.

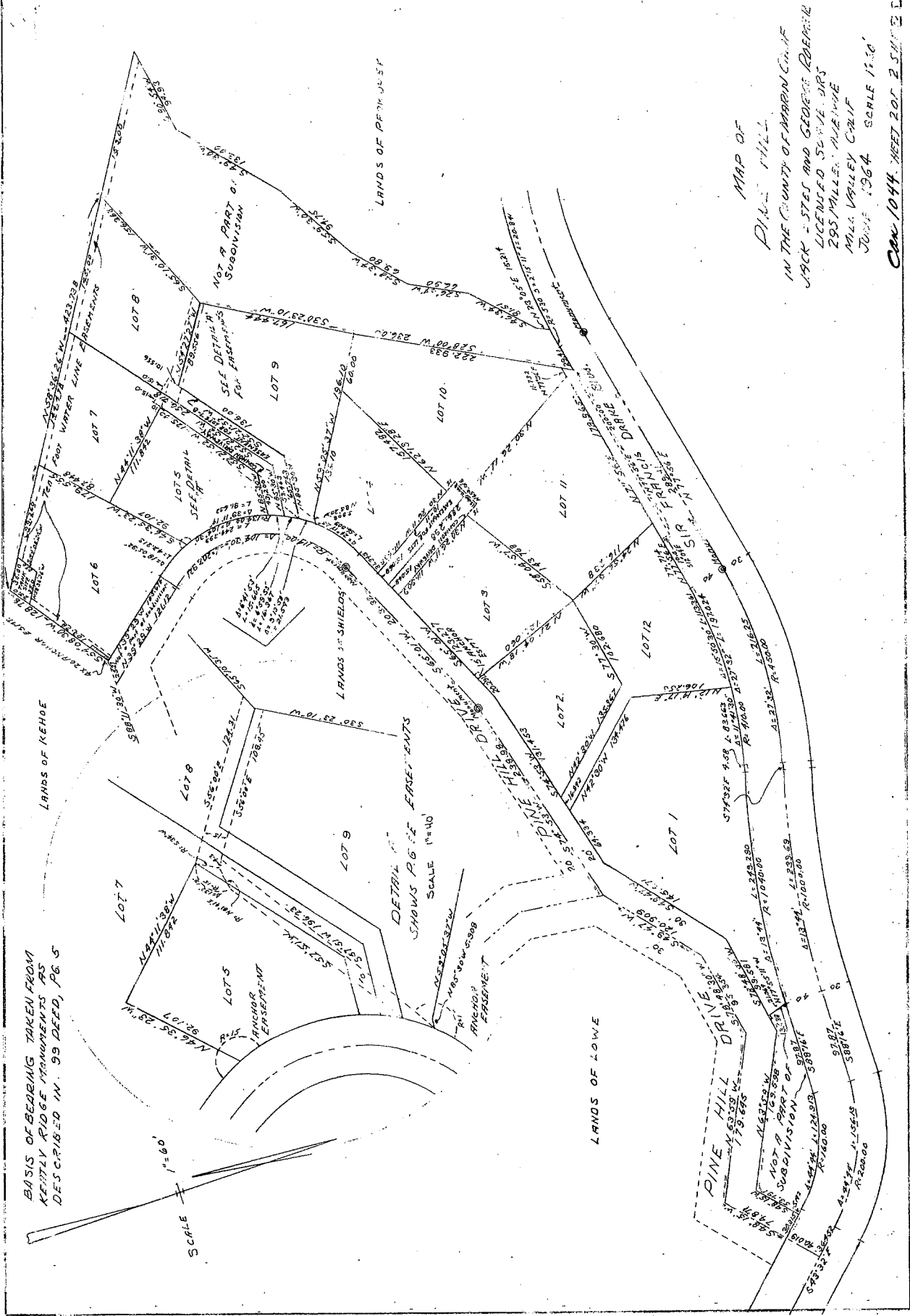
"Parcel two" contains a grove of large, heritage Buckeye trees, steep, unstable slopes and appears related to securing roadway and utility easements. Understanding whether "parcel two" is a separate legal lot or not is warranted now to determine if additional analysis or mitigation is required prior to project approval. (See previous letter dated August 10, 2018.)

In closing, we continue to welcome the Doegl family to the neighborhood and look forward to resolving the above. Thank you.

Sincerely,

**Lars Anderson, Tom and Barbara Gaman,
Alex Hinds, Eloisa Mendoza-Hinds, Elisabeth Ptak**

cc. Douglas and Andrea Apatow



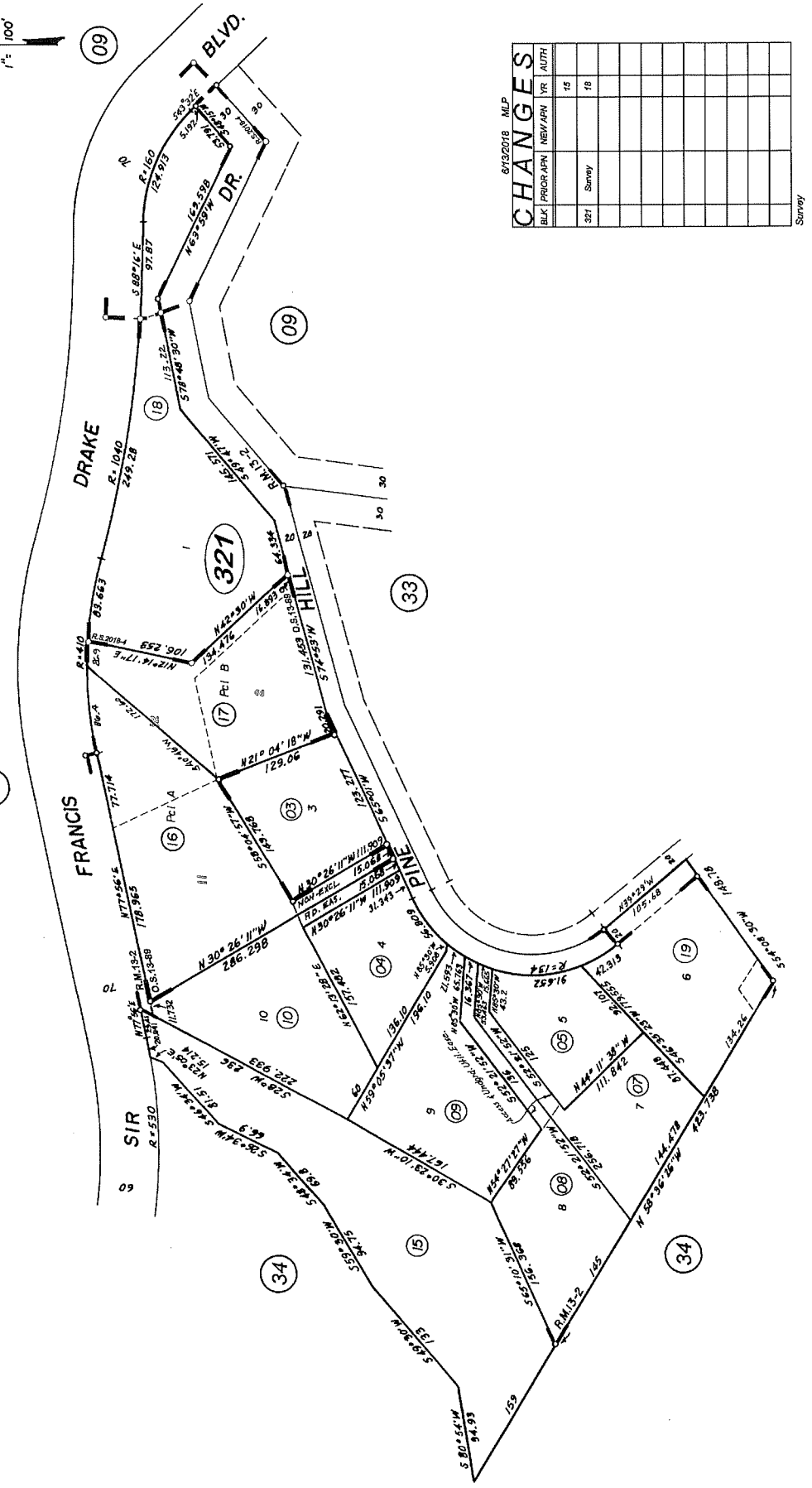
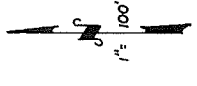
BASIS OF BEARING TAKEN FROM
 KENTLY RIDGE MARKINGS AS
 DESCRIBED IN '99 DEED, PG. 5

SCALE
 1" = 60'

DETAIL
 SHOWS P.G. EASEMENTS
 SCALE 1" = 40'

MAP OF
 PINE HILL
 IN THE COUNTY OF WARREN, CHIEF
 JACK - STAS AND GEORGE ROEMER
 LICENSED SURV. S.P.S.
 295 MILLEN, WARREN
 MICH. VALLEY CREDIT
 JULY 1964 SCALE 1" = 60'
 CON. 1044 SHEET 2 OF 2

POR. RANCHO PUNTA DE LOS REYES 112-32
Tax Rate Area 94-010



6/13/2018 MLP

BLK	PRIOR APN	NEW APN	YR	AUTH
			15	
321	Survey		18	

Survey

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSORS PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

Assessor's Map Bk. 112 - Pg. 32
County of Marin, Calif.

NOTE - Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

Map of Pine Hill, R. M. Bk. 13 - Pg. 2