

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**
Kerachi Revocable Trust Design Review

Decision: Approved
Date: January 28, 2022

Project ID No:	P3295	Applicant(s):	Ali Kerachi
		Owner(s):	Ali Kerachi
		Assessor's Parcel No(s):	070-112-12
		Property Address:	17 La Cuesta Dr., Greenbrae, CA 94904
		Project Planner:	Joshua Bertain (415) 473-3171 ibertain@marincounty.org
		Signature:	<i>Joshua Bertain</i>
Countywide Plan Designation:	SF5, Low-Density Residential		
Community Plan Area:	Kentfield/Greenbrae		
Zoning District:	R1-B2, Residential Single-Family		
Environmental Determination:	CEQA Guidelines section 15303, Class 3		

PROJECT SUMMARY

The applicant requests Design Review approval to legalize the construction of a new 32 square foot shed on a developed lot in Greenbrae. The 32 square feet of development would not affect the existing 30 percent floor area ratio on the 12,000 square foot lot. The proposed shed would reach a maximum height of 8 feet, 4 inches above surrounding grade and the exterior walls would have the following setbacks: 150 feet from the eastern front property line; 10 inches from the northern side property line; 68 feet, 10 inches from the western side property line, and 1 foot, 3 inches from the western rear property line.

Design Review approval is required pursuant to Marin County Code Section 22.42.020.B because the project proposes a detached accessory structure within a side yard setback.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) 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.

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the Kentfield/Greenbrae Community Plan policies related to subarea I for the following reasons:

- A. The project would meet all height standards identified in the Conservation and Development Standards.
- B. The project would meet all access and parking standards, as verified by the Department of Public Works during Building Permit review.
- C. The project would be adequately landscaped in conformance with Community Appearance and Amenities standards.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Design Review (Marin County Code Section 22.42.060)

The project is consistent with the mandatory findings for Design Review approval for the reasons discussed below.

- A. The proposed development is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources and the character of the local community. Further, the exterior materials proposed for the development would complement the project design and the surrounding area. There are no standards provided in Chapter 22.14 that apply to the project.
- B. The proposed architectural design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.
- C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
- D. The proposed development would not encroach into any streets or pathways and would not detract from the appeal of the streetscape.
- E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

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 planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. 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 Design Review approval authorizes the construction of a new 32 square foot shed on a developed lot in Greenbrae. The 32 square feet of approved development shall not change the existing 30 percent floor area ratio on the 12,000 square foot lot. The approved shed shall reach a maximum height of 8 feet, 4 inches above surrounding grade and the exterior walls shall have the following setbacks: 150 feet from the eastern front property line; 10 inches from the northern side property line; 68 feet, 10 inches from the western side property line, and 1 foot, 3 inches from the western rear property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Storage Shed Design Review Plans," consisting of 3 sheets prepared by Melvin

Dixon, received in final form on November 1, 2021, 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 2022" with respect to all of the 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.

RIGHT TO APPEAL

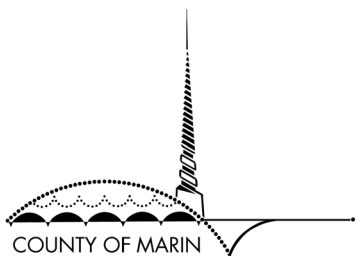
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (February 9, 2022).

cc: *{Via email to County departments and Design Review Board}*

CDA – Director
CDA – Planning Manager
DPW – Land Development
Marin Water District
Ross Valley Sanitary District
Kentfield Fire Protection District

Attachments:

1. Marin County Uniformly Applied Conditions 2022
2. Marin Water response letter dated September 17, 2021
3. Letters from the public



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2022

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall 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. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. 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 related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.



**MARIN
WATER**

VIA ELECTRONIC MAIL

September 17, 2021
Service No. 21096

Joshua Bertain
Marin County Planning Dept.
3501 Civic Center Dr. #308
San Rafael, CA 94903

RE: WATER AVAILABILITY – Single Family Dwelling
Assessor's Parcel No.: 070-112-12
Location: 17 La Cuesta Dr. Greenbrae

Project Description: Detached storage shed

Dear Mr. Bertain,

The District has the following comments on this project:

Please note that on April 20, 2021 the District's Board of Directors declared a water shortage emergency and adopted Ordinance 449 entitled "Comprehensive Drought Water Conservation and Enforcement Measures", which was amended on May 4, 2021 by Ordinance No. 450 and on July 6, 2021 by Ordinance No. 452 adding additional mandatory conservation measures. On July 21, 2021, Ordinance 453 was adopted which prohibits the use of potable water for the installation of any new landscapes, including fountains and ponds, until after termination of the Water Shortage Emergency. Additional water conservation measures are currently being considered and existing drought conditions may impact the District's ability to provide new water connections and larger water meters during this water shortage emergency. Consequently, while this letter sets forth the current connection requirements for this project, this letter shall not be considered a guarantee of future water service or serve as a limitation on any future water restriction(s) which may be adopted by the District, including but not limited to restrictions on new water service connections or additional conservation measures. Please visit Marinwater.org for developments that may impact new or expanded water service connections during this water shortage emergency.

- The proposed project will not impair the District's ability to continue service to the property.
- The purchase of additional water entitlement for the property is required.
- The installation of a new water service is required.
- Comply with Ordinance No. 429 requiring the installation of a gray water recycling system when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.
- The proposed project is not within the District's service area.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. If you are pursuing a landscaping project subject to review by your local planning department and /or subject to a city permit, please contact the district water conservation department at 415-945-1497 or email to plancheck@marinwater.org. More information about district water conservation requirements can be found online at www.marinwater.org

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at 415-945-1558.

If you have any questions regarding this matter, please contact us at (415) 945-1530.

Sincerely,

Joseph Fischens

Joseph Eischens
Supervisor – Development Services

JE

From: janemertens@comcast.net
To: [Bertain, Joshua](#)
Subject: Kerachi permit sign
Date: Thursday, September 23, 2021 9:09:44 PM

Jane Mertens would like information about:

I would like to bring to your attention the fact that the sign on the Kerachi property is tucked behind a mailbox and is very difficult to see. If you are not receiving feedback on this permit application it is likely because people cannot see the notification. I doubt very many people in Greenbrae would approve of a 10 inch setback if they knew about it!

From: janemertens@comcast.net
To: [Bertain, Joshua](#)
Subject: Opposition to Kerachi Design Review
Date: Monday, September 20, 2021 3:26:57 PM

Jane Mertens would like information about:

I am the co-owner of 19 La Cuesta Drive. The existing shed under review is 10 INCHES from our property line! It's existence has decreased the attractiveness and market value of our home. It is also a fire hazard. It was built without permission nor were we ever notified. Mr. Kerachi went out of town while it was built and we were unable to stop the process. We brought up our concern years ago to the county. There are other projects that Mr Kerachi has done without permission, including building a fence against our existing fence and sending workers over to our property to TRIM our fence! Please do not allow him to continue to bypass legal and ethical procedures by approving this outrageous shed. Jane Mertens

From: jebandjane@comcast.net
To: [Bertain, Joshua](#)
Subject: 17 La Cuesta
Date: Friday, September 17, 2021 9:04:25 AM

Jeb Gist would like information about:

Dear Mr. Bertain, I live at 19 la Cuesta Drive in Greenbrae, next door to the Kerachi residence at 17 la Cuesta. For years I've been objecting to the shed which my neighbor built a mere 10" from my property line! Tod Carr (with the Planning Dept) and I had several email communications about this. The shed is unsightly, and I've spent a fair amount of time and trouble trying to shield it from sight with landscaping. My primary concern about the shed, however, is that I believe it is a fire hazard. I don't know what the neighbors keep in the shed, or if anything is flammable, but if it were to catch fire, because of it's close proximity to the fence, it would undoubtedly spread to my property. I was under the impression that there are setback requirement for this very reason. Is this not true? I can not believe the Marin County Planning Dept would approve of such a slipshod project. I would appreciate an update on this project when possible. Thank you, Jeb Gist 707-280-7945