



**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
PURYEAR AND DARBANI VARIANCE**

Decision: Approved
Date: August 19, 2021

Project ID No:	P3178	Applicant(s):	David Thompson
		Owner(s):	Nicholas Puryear and Sheila Darbani
		Assessor's Parcel No(s):	051-171-16
		Property Address:	239 Princeton Avenue Mill Valley
		Project Planner:	Jeremy Tejirian (415) 473-3798 JTejirian@Marincounty.org
		Signature:	<i>Jeremy Tejirian</i>
Countywide Plan Designation:		SF6 (Low Density Residential)	
Community Plan Area:		Tamalpais Community Plan	
Zoning District:		R1:B1 (Residential, Single Family)	
Environmental Determination:		Exempt per CEQA Guidelines Section 15301	

PROJECT SUMMARY

The applicants request Variance approval to expand an existing single-family residence by 179 square feet. The 179 square feet of proposed development would result in an overall floor area of 2,033 square feet, and a floor area ratio of 26 percent on the 7,796 square foot lot. The proposed addition would reach a maximum height of 21 feet, 2 inches above surrounding grade and the exterior walls would have the following setbacks: 14 feet, 4 inches from the western front property line; 7 feet from the southern side property line; 43 feet, 7 inches from the northern side property line; 75 feet, 1 inch from the eastern rear property line.

Variance approval is required because the project would encroach into the 25-foot setback normally required from the front property line.

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 Tamalpais Area Community Plan for the following reasons:

- A. The project is consistent with the policies related to preserving community character, including Policies LU 1.1, LU 1.3, LU 1.4, and LU 1.5, because it would preserve and enhance the existing natural and built characteristics of the surrounding environment, while being compatible in scale (bulk, mass and height) and appearance (colors, materials, and design) of the surrounding neighborhood. The project would not exceed the floor area limits or maximum height guidelines established in Programs LU1.4a, 1.4b, 1.4c, and 1.4d. Further, the project is carefully sited to protect the sunlight, views and privacy enjoyed by adjacent homes, and to preserve open space.

- B. The project is consistent with the policies related to protecting habitats, wetlands, streams, and native vegetation, including Policies LU2.1, LU2.2, LU10.2, LU10.3, LU11.1, LU11.2, LU12.1, and 17.1, because it would respect the environmental constraints of the site. There are no known habitats for special-status species in the area, and the development would not be located in buffer areas surrounding wetlands, streams or other drainage areas. Removal of native vegetation would be minimized, and native trees would be protected or replaced.
- C. The project is consistent with the access and parking policies, including Policy T2.4, T4.1, T8.2, T.11, because it would not take access from a new roadway or driveway connected directly to Shoreline Highway, would not reduce the existing levels of service on surrounding intersections, and would provide the required parking and adequate access as determined by the Department of Public Works.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Variance (Marin County Code Section 22.54.050 and California Government Code Section 65906)

- A. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.**

Development on the property is constrained by the combination of a steep slope and the irregular shape of the lot. The front property line is over 25 feet from Princeton Avenue which is more than ten feet higher than the elevation of the site at the front property line. Instead of conforming to a rectangle with a straight line defining the front of the property, the front property line jogs downhill away from the road. Due to this jog in the front property line, the proposed addition would encroach into the front setback. If the front property line was straight and the lot was a rectangle then the addition would comply with the 25-foot front yard setback. This same condition does not exist for other lots in the area and is unique to this property.

- B. Granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.**

The use would not be changed from residential, which is principally permitted in the governing R1-B1 zoning district.

- C. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.**

Granting the Variance would not result in special privileges because the development constraints are unique to the property and the addition would be consistent with the Single Family Design Guidelines.

- D. Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

Locating the additional floor area in-between the garage and the main house would minimize the increase to the mass and bulk of the existing development. This area is already developed

with an entry deck and partially covered as a porch. The addition would encroach into the front yard setback, but this area is behind and below the garage and more than 30 feet from Princeton Avenue, ensuring that the encroachment would avoid any adverse effect to the community.

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 Variance approval authorizes the expansion an existing single-family residence by 179 square feet. The 179 square feet of approved development will result in an overall floor area of 2,033 square feet, and a floor area ratio of 26 percent on the 7,796 square foot lot. The addition will reach a maximum height of 21 feet, 2 inches above surrounding grade and the exterior walls will have the following setbacks: 14 feet, 4 inches from the western front property line; 7 from the southern side property line; 43 feet, 7 inches from the northern side property line; 75 feet, 1 inch from the eastern rear property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Puryear/Darbani Residence," consisting of nine sheets prepared by Thompson Studio Architects, received in final form on June 17, 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 2021" 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 (August 31, 2021).

cc: *{Via email to County departments}*
CDA – Director
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2021