

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**
Storek Design Review

Decision: **Approved**
Date: **November 5, 2021**

Project ID No: P3129 Applicant(s): Glen Storek
Owner(s): Glen and Linda Storek
Assessor's Parcel No(s): 164-280-43
Property Address: 10 Maoli Drive, San Rafael
Project Planner: Immanuel Bereket
(415) 473-2755
ibereket@marincounty.org

Signature:

Countywide Plan Designation: AG3 (Agriculture)
Community Plan Area: N/A
Zoning District: A2-B6 (Agricultural Limited Combined District)
Environmental Determination: Categorically Exempt, CEQA Guidelines 15301

PROJECT SUMMARY

The applicant requests Design Review approval to construct a new 1,173 square foot outbuilding on a 135,570-square-foot lot located in San Rafael. In combination with the existing 3,807-square-foot single-family residence and a 1,195-square-foot Accessory Dwelling Unit (ADU), the proposed outbuilding would result in a floor area ratio of 0.44 percent, where a maximum of 30 percent is permitted. The proposed building would reach a maximum height of 13 feet above surrounding grade and the exterior walls would have the following setbacks: 186 feet from the eastern front property line; 29 feet, 8 inches from the northern side property line; 225 feet from the southern side property line; 216 feet from the western rear property line. Various site improvements are also entailed in the approved development, including general site preparation, and grading to accommodate the proposed project.

Design Review approval is required because the project entails the construction of new floor area on a site that contains more than 3,500 square feet of floor area pursuant to Section 22.42.020.B of the Marin County Code.

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 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 authorizes the construction of a new 1,173 square foot outbuilding on a developed lot in San Rafael. In combination with the existing 3,807-square-foot single-family residence and a 1,195-square-foot Accessory Dwelling Unit (ADU), the proposed outbuilding shall result in a floor area ratio of .44 percent. The proposed building shall reach a maximum height of 13 feet above surrounding grade and the exterior walls shall have the following setbacks: 186 feet from the eastern front property line; 29 feet, 8 inches from the northern side property line; 225 feet from the southern side property line; 216 feet from the western rear property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "10 Maoli Drive," consisting of 8 sheets prepared by Storek Architecture, received in final form on August 16, 2021, and on file with the Marin County Community Development Agency.
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

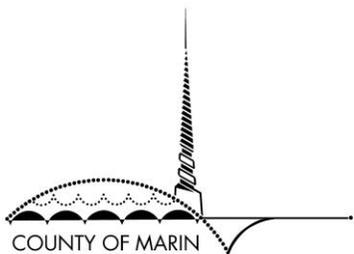
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision.

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

CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
Marin Municipal Water District

Attachments:

1. Marin County Uniformly Applied Conditions 2021
2. Marin Water District, memorandum dated May 10, 2021
3. Department of Public Works Interdepartmental Memorandum dated September 1, 2021



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

2021

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

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

May 10, 2021
Service No. 54372

RE: WATER AVAILABILITY – Single Family Dwelling
Assessor's Parcel No.: 164-280-43
Location: 10 Maoli Dr., San Rafael

Project Description: Construction of a detached garage

Dear Ms. Kilgariff:

The District has the following comments on this project:

- The proposed project will not impair the District's ability to continue service to this property provided the accessory structure is not plumbed and wired for a kitchen and/or considered an Accessory Dwelling Unit.
- 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 me at 415-945-1531.

Sincerely,

Nicole Momsen

Nicole Momsen
Engineering Technician

NM

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: September 1, 2021

DUE: September 3, 2021

TO: Immanuel Bereket

FROM: Cara E. Zichelli

APPROVED: 

RE: Storek Design Review

P3129

APN: 164-280-43

ADDRESS: 10 Maoli Drive, San Rafael

TYPE OF DOCUMENT

DESIGN REVIEW

COASTAL PERMIT

LAND DIVISION

VARIANCE

USE PERMIT

ADU PERMIT

ENVIRONMENTAL REV.

OTHER:

Department of Public Works Land Use Division has reviewed this application for content and:

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:

Find it **COMPLETE**

Find it **INCOMPLETE**, please submit items listed below

Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Traffic

Flood Control

Other: _____

Substantial Modification to Conform:

DPW Land Development has reviewed with Condition of Title Guarantee provided by the owner for 10 Maoli Drive. The report lists on Offer of Dedication to the County of Marin for Public Roadway Purposes, recorded on February 8, 1972 in Book 2539 of Official Records, Page 647. Land Development has conferred with our Real Estate Division and they reported having no records to indicate that the offer was ever terminated through a Streets and Highway Resolution to Vacate. To move forward with the proposed development, the garage structure must be moved out of parcel APN 164-280-38 or complete the Streets and Highway Code vacation process. Our Real Estate division can provide more information about the vacation process; they indicated that it usually takes about a year to complete.

Merit Comments

Prior to Issuance of a Building Permit:

1. **Grading & Drainage Plans:** Provide a drainage and grading plan prepared by a licensed professional engineer or by a registered architect:
 - a. Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns. **Contours shall be in at least two foot intervals for the construction permit.**
 - b. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion. Note that 2019 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line.
 - c. Per 2019 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure.

Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.

- d. The plan shall also incorporate any recommendations from the Geotechnical Engineer, if such a professional is involved in the project.
- e. The plan shall tabulate the existing and proposed areas of impervious surface for the property, and demonstrate that there will be no net increase in runoff from the developed site compared to pre-existing development.
- f. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate to where off haul will be taken.
- g. Indicate means of restoring all disturbed areas.
- h. Add a note on the plans indicating that the Design Engineer/Architect shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.

2. **Site Retaining Walls:**

- a. Clarify the proposed heights for all site retaining walls, providing top of wall and bottom of wall elevations. You will need to apply for a separate Building Permit for each site/driveway retaining wall greater than 4ft in height, or for any wall that is subject to a surcharge such as a sloped backfill or vehicular load. **The total height shall be measured from the bottom of the footing to the top of the wall.** If any walls are structurally tied to the dwelling, indicate this on the plans, as these walls will not require a separate permit.
- b. For each retaining wall, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan set.
- c. Submit design calculations for the retaining walls which are greater than 4ft in height, measured as described above in item a, or which are subject to a surcharge behind wall. Calculations shall be prepared, signed and stamped by the design engineer.
- d. Add a note on the plans indicating that the Design Engineer shall inspect and certify in writing to DPW that each retaining wall was constructed per approved plan and field direction. Certification letters shall reference building permit number or numbers for specific work being certified, the address and the Assessor's Parcel Number (APN) for the project, and shall be signed and stamped by the certifying professional.

3. **During Construction Stormwater Pollution Prevention:** Depending upon the amount of grading required to complete the project, application shall submit either a Best Management Practices Plan or a comprehensive Erosion & Sediment Control Plan, per MCC 24.04.625.

4. **Stormwater Control Plans:** If the area of new plus replaced impervious surfaces is 2,500 sf or greater, applicant shall provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2> . **Direction for this project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes. Applicant has indicated that they would design for both the garage and the proposed ADU, which is the subject of a different application.**

5. **Utilities:** Plan shall show the location of all the existing utility laterals and indicate which, if any, will be upgraded or relocated with this project. Be certain to include water, sanitary sewer, gas, electric and telecommunications.

6. **Encroachment Permit:** Lucas Valley Road is a County maintained road. An Encroachment Permit from DPW is required for any work within the County's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. Additionally, fences, landscaping and boulders are unauthorized encroachments under Streets and Highways Code section 1480, and Marin County Code Chapter 13.12. The plans shall clearly identify any proposed work in the right of way. If any work is proposed in the right of

way, complete and submit an Encroachment Permit Application with your re-submittal. Note that this section of Lucas Valley Road is currently on the open excavations moratorium list. Any work cutting into or damage the road surface may require extensive pavement restoration.

-END-