

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE COASTAL PERMIT
Watters Coastal Permit**

Decision: Approved with Conditions
Date: June 25, 2021

Project ID No:	P3053	Applicants and Owners:	James Watters and Ashley Tobin
		Assessor's Parcel No(s):	112-031-08
		Property Address:	115 Camino del Mar, Inverness
		Project Planner:	Kathleen Kilgariff 415.473.7173 kkilgariff@marincounty.org
		Signature:	<i>Kathleen Kilgariff</i>
Countywide Plan Designation:		C-SF3 (Coastal, 1 Unit/1-5 acres)	
Community Plan Area:		Inverness Ridge	
Zoning District:		C-R1-B4 (Coastal, one family residence district, 1 acre minimum lot area)	
Environmental Determination:		Exempt per CEQA Guidelines Section 15303, Class 3	

PROJECT SUMMARY

The applicants request Coastal Permit approval to construct a new 399 square foot accessory structure to be used as an Accessory Dwelling Unit (ADU) on a developed lot in Inverness. The 399 square feet of proposed development in combination with the existing 2,130 square foot residence would result in a total floor area of 2,529 square feet and a floor area ratio of 21 percent on the 11,766 square foot lot. The proposed ADU would reach a maximum height of 16 feet above surrounding grade and the exterior walls would have the following setbacks: 93 feet from the northern front property line; 4 feet from the west side property line; 71 feet from the east side property line; 4 feet from the southern rear property line.

Coastal Permit approval is required because the project entails improvements to a property located in a Coastal zoning district not otherwise exempt from Coastal Permit requirements, pursuant to Section 22.56.0401 of the Interim Marin County Code. State law mandates specific development standards for ADUs built in outbuildings. Pursuant to Marin County Code Title 22, article V, the standards set forth in Development Code Chapter 22.32 and Section 22.32.120 related to ADUs apply in the coastal zone. Under those regulations, the proposed project falls under ADU category 1. Under this category, a Coastal Permit is required

PUBLIC COMMENTS

Staff received several public comments that raise concerns associated with the proposed ADU related to the setbacks, height, visual impact of the structure, and overall interpretations of the Marin County Development Code.

Commenters noted that all development at the project site must conform to the development standards in the Interim Zoning Code (Title 22I). However, Article V of the Development Code (Title 22) notes that there are some sections of the Development Code that apply to the Coastal Zones. Specifically, it states:

Article V was approved by the Marin County Board of Supervisors on June 24, 2003 and later updated on June 13, 2006, as part of this Development Code. However, the provisions of this Development Code shall not be used as the standard of review for property or development proposals located within the coastal zone until approved by the California Coastal Commission, except for those Development Code sections listed below:

1. Section 22.20.040 (Outdoor Construction Activities);
2. Chapter 22.22 (Affordable Housing Regulations);
3. Section 22.32.050 (Child Daycare Facilities);
4. Chapter 22.58 (Large Family Daycare Permits);
- 5. Section 22.32.120 (Residential Accessory Dwelling Units);**
6. Chapter 22.56 (Residential Accessory Dwelling Unit Permits).

As such, the proposed ADU is subject to the development standards outlined in Section 22.32.120. As mandated by State law, this allows an ADU that is less than 800 square feet to be located four feet from the rear and side property lines and permits a height of 16 feet. The ADU does not need to comply with the development standards outlined in the Interim Code related to setbacks or heights. Per the Development Code, the proposal is considered a category 1 ADU.

Given the fact that the setback and height standards were established by State law, these design features are allowed by right, whether or not there is public concern related to these project features.

Additionally, per State and Local law, category 1 ADUs do not require Design Review. However, one commenter noted that the proposed structure should be subject to Design Review because the property size is smaller than one acre, the minimum lot area size for the zoning district. Section 22.82.025I indicates that Design Review is only required for substandard vacant lots. The Design Review requirement does not apply to this project because the property is not currently vacant.

While the development is not subject to Design Review, the proposal is not exempt from a Coastal Permit. Coastal Permits must meet the standards outlined in the Interim Zoning Code Consistency section of this report. As part of this analysis, findings must be made that the project does not impair or obstruct existing coastal views from Highway 1 or Panoramic Highway. There is no requirement that the project does not affect views from private property. Further, State law mandates minimum setbacks and maximum height limits for ADUs in outbuildings, and the project conforms to those standards.

INVERNESS RIDGE COMMUNITY PLAN CONSISTENCY

The project is consistent with the Inverness Ridge Community Plan because it would be located on a geologically stable portion of the lot and would include structural and seismic stability measures that would be verified during building permit review. The property is not located within the Class 3 or 4 slope stability areas. The improvements would protect the viewshed because they would be built well below the tree line and would not be visible from parklands. Proposed site features are clustered in a small footprint on the site, preserving a majority of the site in its natural state and reducing vegetation removal. Therefore, the project would not detract from the overall community character or adversely affect the natural environment.

INTERIM ZONING CODE CONSISTENCY

Mandatory Findings for Coastal Permit (Marin County Code Section 22.56.130I)

A. Water Supply.

The property is served by the Inverness Public Utility District (IPUD). As part of the Building Permit application, the property owners must demonstrate IPUD will serve the new development.

B. Septic System Standards.

Improvements to the existing septic system are included in the project scope. The system will serve both the existing residence and the new ADU. The proposed septic system has been reviewed by Environmental Health Services, which will require the applicants to obtain a permit to construct the system.

C. Grading and Excavation.

Earthwork is limited to the footprint of the proposed site improvements (ADU and septic system). The property is gently sloped to the east and the project would not modify the natural topography of the site.

D. Archaeological Resources.

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is located in an area of high archaeological sensitivity. However, the property is currently developed with a single-family residence and accessory structures. As required by the Marin County Code, in the event archeological 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 mitigation measures.

E. Coastal Access.

Given the location of the site, the property does not provide private or public coastal access.

F. Housing.

The removal of existing structures that provide housing opportunities for persons of low and moderate income is not included in the scope of work.

G. Stream and Wetland Resource Protection.

The proposed project is not located within the vicinity of sensitive streams or creeks, and there are no wetlands on the project site. Instead, the proposed project is located on a previously disturbed lot within a residential area of Inverness. As a result, the project will not result in impacts on stream or wetland resources.

H. Dune Protection.

Dunes are not present in the project vicinity.

I. Wildlife Habitat Protection.

A review of County habitat records, obtained from the California Natural Diversity Database (CNDDDB), indicates that there are possible occurrences of the obscure bumble bee (*Bombus caliginosus*) and Marin manzanita (*Arctostaphylos virgata*).

The property is currently landscaped with ground covers, introduced and ornamental plantings, with dense vegetation around the perimeter. The proposed improvements are located in areas of grass and low ground covers. No manzanita was observed in the project area. As such, the proposal would not result in the removal of sensitive or protected habitats.

The obscure bumble bee is found visiting native plants in the area. It is not anticipated that the project would result in impacts to the obscure bumble bee because the project does not entail the removal of significant vegetation.

J. Protection of Native Plant Communities.

As noted above, the project does not include the removal of significant vegetation. Instead, the existing landscaping will remain.

K. Shoreline Protection.

The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards.

The project site is neither located in the Local Coastal Program Unit 1 or a floodplain.

M. Public Works Projects.

The proposed project will not affect any existing or proposed public works projects in the area.

N. Land Division Standards.

No land division or lot line adjustment is proposed as part of this project.

O. Visual Resources and Community Character.

The detached ADU is limited to 16 feet in height when measured from natural grade, in keeping with the State law governing the development of ADUs in outbuildings. The 399 square foot structure is sited in the southwestern corner of the property and obscured from an adjacent property at 125 Camino del Mar by a mature hedge, which appears to exceed 16 feet in height. The project would be visible from 30 Via de la Vista, a property south of the project site. However, the development would not block existing coastal views from the public right of way, Highway 1 or Shoreline Highway.

Even though the project is visible from adjacent properties, the proposal is consistent with the development pattern in the neighborhood. Properties on slopes can typically see the development of the downhill property, which is currently the case at 115 Camino del Mar.

Overall, the project is compatible with surrounding development and does not detract from the natural beauty of the area.

P. Recreational/Commercial/Visitor Facilities.

The proposed project would not provide commercial or recreational facilities, and the subject property is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

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.

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 Watters Coastal Permit approval authorizes the construction of a new 399 square foot accessory structure to be used as an Accessory Dwelling Unit (ADU) on a developed lot in Inverness. The 399 square feet of proposed development in combination with the existing 2,130 square foot residence would result in a total floor area of 2,529 square feet and a floor area ratio of 21 percent on the 11,766 square foot lot. The proposed ADU would reach a maximum height of 16 feet above surrounding grade and the exterior walls would have the

following setbacks: 93 feet from the northern front property line; 4 feet from the west side property line; 71 feet from the east side property line; 4 feet from the southern rear property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Watters/Tobin A.D.U.," consisting of 17 sheets prepared by JTW, received in final form on February 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 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.

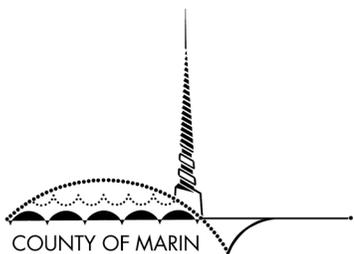
RIGHT TO APPEAL

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 five business days from the date of this decision (July 2, 2021).

cc: *{Via email to County departments}*
CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
CDA – Environmental Health Services
Inverness Public Utility District

Attachments:

1. Marin County Uniformly Applied Conditions 2021
2. Agency responses
3. Letters from the public
4. Owners' response to public comments



**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.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: February 25, 2021

DUE: March 8, 2021

TYPE OF DOCUMENT

TO: Kathleen Kilgariff

DESIGN REVIEW

FROM: Ali Iqbal

COASTAL PERMIT

APPROVED: 

LAND DIVISION

RE: Watters

VARIANCE

P3053

USE PERMIT

APN: 112-031-08

ADU PERMIT

ADDRESS: 115 Camino del Mar

ENVIRONMENTAL REV.

Inverness, CA

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: _____

Merit Comments

Prior to Issuance of a Building Permit:

1. **Parking:** Per Marin County Code § 24.04.335(c), parking spaces shall be independently accessible such that a vehicle may enter or exit any space without the necessity of moving another vehicle. Tandem parking is acceptable provided that the tandem parking spaces are for the same unit (the main house). The third parking stall located on the property is acceptable, as one parking stall is required for the proposed ADU. Remove the fourth parking stall from Plans as it interferes with the independent accessibility of the main house tandem parking and the ADU parking stall.
2. **Grading & Drainage Plans:** Note that 2019 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Per 2019 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls.
3. **Best Management Practices:** Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of

BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website, <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>

-END-

**INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 415-473-6907**

DATE: April 20, 2021
TO: Kathleen Kilgariff
FROM: Becky Gondola, REHS
RE: Watters Accessory Dwelling Units Permit

AP#: 112-131-08
ADDRESS: 115 Camino Del Mar

TYPE OF DOCUMENT
DESIGN REVIEW
LAND DIVISION
USE PERMIT
VARIANCE
MASTER PLAN
COASTAL PERMIT
LOT LINE ADJ.
x OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

WATER	x	SEWAGE	SOLID WASTE
POOLS		HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

- FIND IT COMPLETE.
- FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.
- x FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.**
- RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

The ADU is approved with the replacement of the undersized septic tank and the assignment of a septic reserve area. The existing system shall pass a hydraulic load test once the tank has been replaced.

To: Kathleen Kilgariff
Date: 5/9/21
Re: Watters CDP and ADU permit

Thank you for your detailed reply to our May 7 comments. After some sleuthing we believe we have sorted out some of the confusion in interpreting Marin codes:

Setbacks and Height.

Our comments regarding setback and height were informed by the version of Section 22.32.120 posted at: https://library.municode.com/ca/marin_county/codes/municipal_code?nodeId=TIT22DECO_ARTIIISI_PLGEDERE_CH22.32STSPLAUS_22.32.120REACDWUN

The applicability of Section 22.32.120 to development in the coastal zone, despite lack of Coastal Commission certification, is explained in the website's "Important Note to Reader", the first paragraph of "Article V – Coastal Zones - Development and Resource Management Standards", as you quote it.

We revisited that website this weekend, after receiving your reply, and discovered that more than three months after Ordinance 3745 was adopted on January 26, 2021 the ordinance has not been codified on that website. Can we assume that the Municode website is in error, and that the official version of Section 22.32.120 is found in the CDA website at:

<https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/devcode-amendments-2020/devcode-amended-12621.pdf> ?

Design Review.

As you indicate, a black-law reading of section 22.82.025I on substandard building sites is that the requirement of Design Review applies only to a vacant lot. But arguably, the intent of this provision is to replace maximum height and minimum setback ministerial standards with relaxed discretionary standards that are tailored to the specific circumstances of smaller parcels. When a substandard parcel has been developed and, later, a detached accessory structure is proposed, discretionary review is again warranted: the location and height of a new detached structure was not reviewed when the initial residential unit permit was issued, and such a review is equally necessary to carry out the intent.

This interpretation is supported by the non-coastal Development Code:

"Detached accessory structures may be located within a required setback with Design Review approval." (22.20.090.C.1.b))

Visual Impacts:

When issuing a coastal permit, accounting for the visual impacts of a development are not limited to views from a public location in the coastal zone. If subject to Design Review, a finding would be required that the development "will minimize or eliminate adverse physical or visual effect ... includ[ing] ...5. Diminution or elimination of sun and light exposure, views, vistas and privacy." (22.82.040I)

Septic System:

We will follow up with EHS regarding the sufficiency of the repaired system to service the four bedroom spaces in the primary residence plus the new bedroom in the ADU.

Parking spaces:

We will follow up with DPW regarding the adequacy of independent access to parking spaces

Bridger Mitchell
Cc: Catherine Caufield

BARBARA S. GAULT
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415-699-5793

barbarasgault@gmail.com

May 6, 2021

Hard Copies To:
Jim Watters and Ashley Tobin
115 Camino Del Mar
Inverness, CA 94937-0822

Watters Construction LLC
1051 Boca Canada Road
Briones, CA 94553

Kathleen Kilgariff, Project Planner
County of Marin - Planning, Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903

Also sent via E-Mail to: wattersclan2@gmil.com
Kathleen Kilgariff
Kathleen Hartzell

Regarding: Watters Coastal Permit Application (P3053)

Dear Ms. Kilgariff, and Jim and Ashley:

I write to the Watters (Watters Construction LLC) and Kathleen Kilgariff of the Marin County Planning Department with respect to the Watters application, referenced above.

I own the adjacent property located at 125 Camino Del Mar, Inverness. Thus, my property line is the one located on the west side of the proposed Watters project.

While I support the addition of new community and low income housing for our West Marin villages, I am questioning this proposed project for a number of reasons including the following:

Proposed 4' Set Back on West Side

I would like to understand how the proposed four foot (4') set back {on the western side adjacent to 125 Camino Del Mar} is measured.

- a) Does Watters Construction LLC have a current survey?
- b) If not, I am happy to share the cost of surveying our shared properties along the western line. My understanding is the current fence line does not reflect the actual property line.
 - a. For example, attached is EXHIBIT A, a two-page letter between the two prior owners of 125 Camino Del Mar.
- c) Also of concern is proximity of proposed structure to my dining room and deck area; my structure is about 12' from the current fence line, which I believe may be on my side of property line. The 4' set back would mean the proposed ADU will be approximately 16' away; which is very close by Inverness standards.
- d) The project should be delayed to allow time for a survey as well as story poles to be erected.
- e) Having not received direct communication from the Watters about this proposed project and its placement I welcome the opportunity to meet with the Watters if they will concur.
 - a. We should also include the Inverness Association representative and the Hartzell family in the meeting as well.

View Issue

Historically my property has enjoyed a nice view of Tomales Bay from the deck and living room. For the past years this view has been about 90% blocked by tall vegetation, including ivy and tree growth on the Watters property. Much of this vegetation is along the fence between the Watters and my property. Construction of the ADU at

the presently proposed location will, most likely, require removal of that vegetation, but with a proposed height of sixteen feet (16'), the ADU will then present a solid and tall man-made wall directly in front of my living room and deck. The result will then be permanent obstruction to the coastal view from my house.

Height of Proposed Loft Space

The proposed sixteen feet (16') height is an issue. I understand that the Inverness Association Review Committee believes the maximum height limit, at this location, should be a maximum of fifteen feet (15').

I respectfully request that story-poles be erected to help various neighbors like myself be able to see the effect of the proposed sixteen feet (16') height.

Clarification of residential usage and not short-term rentals

It appears Watters Construction LLC is also converting the main structure at 115 Camino Del Mar; historically two separate units of which one has been available for short term rentals via AirBNB and et alia.

- a) Will the proposed ADU be used for community housing or low-income housing?
- b) Will proposed ADU be used for short term rentals or family housing?

Fire Density of south-west corner of 3 contiguous properties

Another structure along the south-west corner of the Watters/Gault/Hartzell properties may exacerbate the fire danger for all properties by concentrating another unit along this line. The Watters property is blessed with open-space and consideration should be given to moving the proposed ADU to another area.

New Shared Fence to be Re- Built

Once the property line is established by proper survey, I request that the Watters agree to build a new shared fence which both parties could contribute to “style”, “cost” and “height.

Fire-Resistant Vegetation along shared property/fence line

The discussion about a new, shared fence and vegetation may not be a purview of County of Marin/Coastal Commission but I take this opportunity to express my desire to work with neighbors and enhance all the involved properties.

In Closing

I request a delay of this project to:

- 1) Allow for a survey of joint property line, with cost to be shared 50%/50% by Gault and Watters
- 2) Request story-poles be installed to help Gault/Hartzell “see” the sixteen foot (16’) height
- 3) Meet with the Watters and involved neighbors to discuss concerns

Respectfully submitted,



Barbara S. Gault

Cell is best 415-699-5793
barbarasgault@gmail.com

Joyce S. Gordon
401 Santa Clara Ave., No. 514
Oakland, California 94610

Dear Bernice,

Nov. 29, 1993

I am writing to confirm what I remember about having our lot surveyed when we bought it from Elsie Liddell (I think that was her name, or else it was her maiden name: I remember that she was connected in some way to the Liddell of the Liddell-Scott Greek dictionary). We had the property surveyed (at the time we could have bought ours plus what became the Rennells lot, and of course we should have) and then we had the fence built.

Because Vera Meloney and Kathie Morgan were ~~there~~ children and good friends and had always used a short cut from one house to the other we built our fence in at the corner where the Meloney, Gordon, and now Rennells property come together so that the

girls could continue to use their shortcut. We also made sure that the fence between us and the Rennells property was entirely inside our property line - at least those were our instructions, and we had no reason ever to think that they were not carried out properly.

Do the builder's drawings include one for the fence? Enough time has elapsed so that I can no longer be sure about such details, but my recollection is that there is such a drawing.

I was glad that I elected to come home Saturday given the weather yesterday and today. It was fun, and I hope that Christmas works out. I am, as always, most grateful to be included - without such good friends as you, Frederic, and Anna I should be most forlorn.

I had my annual physical A.M. - I weigh 1 lb. less than a year ago, I'm glad to say, and all seems to be well so far as Mr. Waller (or I) can tell.

Have fun in L.A.

Love,
Joyce

From: [Chris Hartzell](#)
To: [Kilgariff, Kathleen](#)
Cc: [Kathy Hartzell](#)
Subject: Subj: Watters Coastal Permit 112-031-08
Date: Friday, May 14, 2021 1:35:02 PM

To: Kathleen Kilgariff (kkilgariff@marincounty.org)

We are immediate neighbors of the Watters to the south, and as such we have a significant view of the south-facing portion of their proposed project. Our primary concern is the height and bulk of the building as seen from our home.

To assess these possible impacts, we have suggested that the Watters install story poles that would clearly indicate the height and bulk. In the absence of those poles, we have prepared the attached photoshopped image showing what we believe to be the view of the Watters project from our property. We would invite the owners' comments on or annotation of this image to correct or clarify what we understand to be the impacts. Or better yet, put up those story poles.

We should point out that we are not opposed in principle to the Watters's project. We think it is admirable that they are building an ADU, as Inverness has limited housing stock and needs small structures available for rental. Our interest is only on the visual impacts on our property. The State's ADU regulations pre-empt local government regulations on setback, height, etc. Were local regulations in force, we'd probably not be having this discussion. But again, we agree that the State goal of providing rental housing is a good one and one hopes property owners do not simply use it to circumvent local codes that would preclude expansion of the principal dwelling.

We are mostly concerned with the height – which exists to accommodate the sleeping loft. It's hard to decipher from the plans, but the County rep stated that the sleeping area is just over 100 sf. The entire loft is significantly larger than this, making it a barrier for a green view for our home.

From the standpoint of design for a compatible relationship with neighbors, having a larger footprint would keep the bedroom on the ground floor. In fact, as the owners are seeking to build what is often called a *Granny Flat*, not having stairs for the bedroom makes sense. Imagine an elder having to make the descent and ascent to and from bathroom in the night? That's not really sound design for a Granny Flat.

Having the larger footprint would not impact the septic, which the family indicated to us was what made alternative locations impossible. So expanding the ground floor to accommodate the bedroom would alleviate the need for the second floor, and would greatly mitigate the impacts on the neighbors. An added benefit to the project would be that it would allow the ceilings on the first floor to be 8 foot, rather than the lower figure indicated on the plans.

There is another advantage of eliminating the second story; having the same roof design as exists for the principal structure would go many steps toward an amicable resolution of the impacts of this ADU on the neighbors. Imagine a sloping roof filled with solar panels – now that’s a view we do enjoy already with our neighbor to the East. It’s so much more exciting than tar and gravel seen on other roofs.

Chris and Kathy Hartzell

30 Via de la Vista

Inverness

--

Christopher Hartzell
M: +1 415 849 8685
E: chrishartzell1@gmail.com



From: [Ashley Tobin & Jim Watters](#)
To: [Kathy Hartzell](#); [chrishartzell1@gmail.com](#); [Kilgariff, Kathleen](#)
Subject: Re: Watters Permit - that photo
Date: Tuesday, May 18, 2021 9:44:14 AM

Thanks so much Kathy for sending me the original photo to work with.

Attached is a close approximation of the ADU from your property.

Thanks again and I hope this helps. Ashley

On Mon, May 17, 2021 at 9:42 PM Kathy Hartzell <khartzell30@gmail.com> wrote:
Here's the original. Thanks for clarifying things.

Kathy

Begin forwarded message:

From: Chris Hartzell <chrishartzell1@gmail.com>
Date: May 17, 2021 at 7:21:40 PM PDT
To: Kathy Hartzell <khartzell30@gmail.com>
Subject: Watters Permit - that photo

Here's the original photo

On Mon, May 17, 2021 at 7:04 PM Kathy Hartzell <khartzell30@gmail.com> wrote:

Begin forwarded message:

From: Watters Clan <wattersclan2@gmail.com>
Date: May 17, 2021 at 6:42:26 PM PDT
To: "Kilgariff, Kathleen" <KKilgariff@marincounty.org>, Kathy Hartzell <khartzell30@gmail.com>
Subject: Re: Subj: Watters Coastal Permit 112-031-08

Thanks Kathleen.

And thank you Kathy for your comments. We appreciate your concerns and would like to try and address them.

Can you please send us the same picture that you took without the superimposed image of the ADU in it? We will take that same pic and impose the outline of the ADU as more accurately placed per the proposed design.

Thanks so much. Ashley

Ashley Tobin and Jim Watters
115 Camino Del Mar
Inverness, CA 94937
Tel: +1 925-324-3686
Fax: +1 925-374-0476



From: [Kathy Hartzell](#)
To: [Kilgariff, Kathleen](#)
Subject: Watters Permit - photo correction by the applicant
Date: Wednesday, May 19, 2021 7:19:11 AM

Chris and I reviewed the sketch correction by the Watters to our photoshop version, and we see that it appears to make the proposed ADU smaller than we had calculated. That we appreciate, if true. It's difficult to make such a drawing without an actual set of poles in the ground and a photo from our perspective.

We still maintain that it makes no sense for a dwelling that has been popularly referred to as a Granny Flat to have its bedroom on a second floor while the bath is on the first. It would preclude its suitability for many persons of a certain age to rent, for sure. And it's perfectly possible for the developer in this case to tweak the design to have the bedroom on the first floor, thereby significantly reducing the impact on sight lines and imposition of height and bulk for the neighbors.

We're this a floor area exemption for the main house, the County would certainly consider such things.

Thank you

Kathy and Chris Hartzell

Begin forwarded message:

From: Ashley Tobin & Jim Watters <wattersclan2@gmail.com>
Date: May 18, 2021 at 9:44:09 AM PDT
To: Kathy Hartzell <khartzell30@gmail.com>, chrishartzell1@gmail.com, "Kilgariff, Kathleen" <KKilgariff@marincounty.org>
Subject: Re: Watters Permit - that photo

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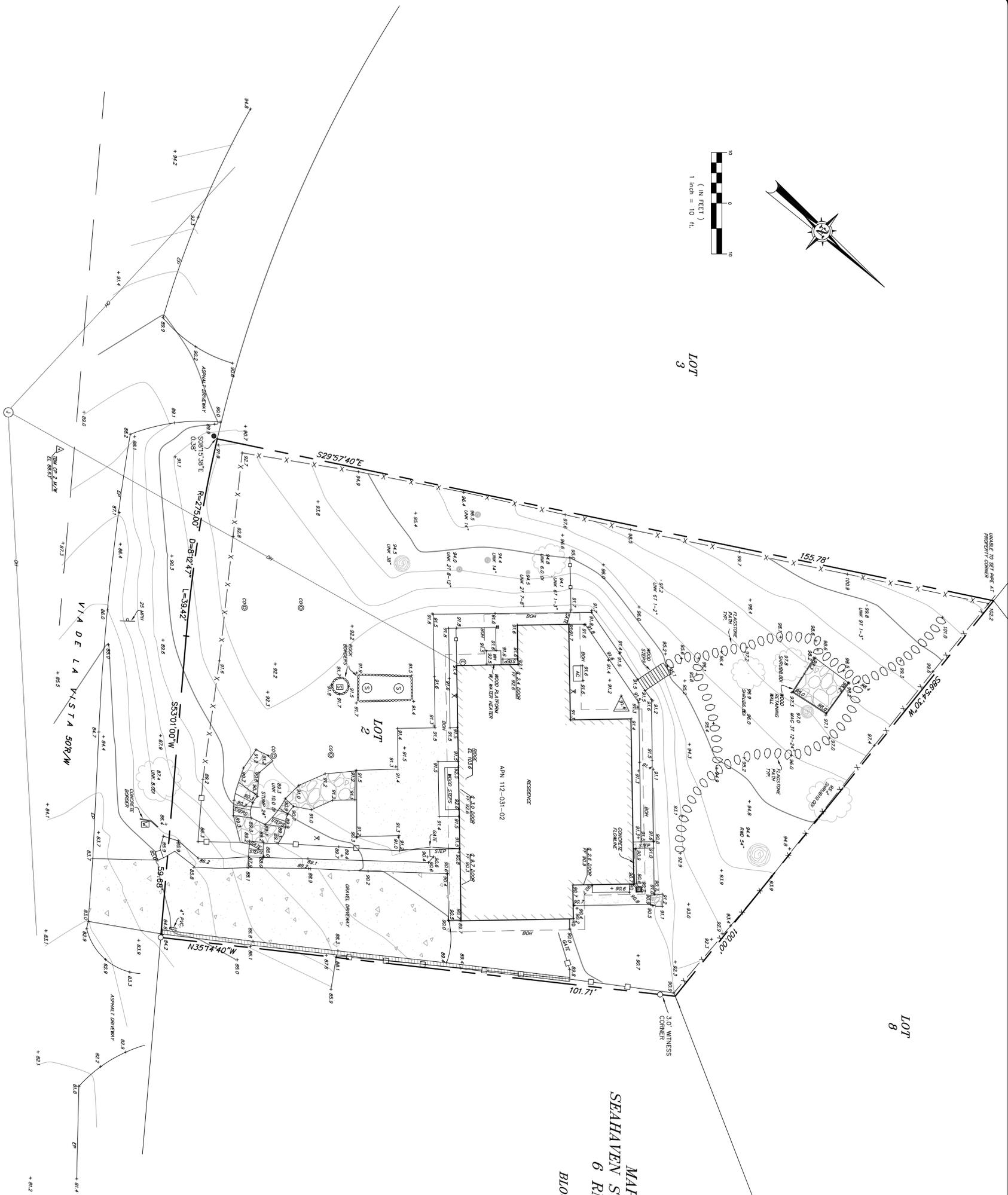
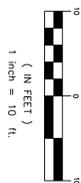
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Thanks so much. Ashley

Ashley Tobin and Jim Watters
115 Camino Del Mar
Inverness, CA 94937
Tel: +1 925-324-3686
Fax: +1 925-374-0476







- | | | | |
|--|-------------------------------------|--|-------------------------------|
| | SURVEY CONTROL POINT | | SPOT ELEVATION |
| | SET 1/2" IRON PIPE TAGGED L57237 | | OVERHEAD POWER & TELEPHONE |
| | FOUND 1/2" IRON PIPE NO TAG | | TREE SYMBOL & SHRUB DRIP LINE |
| | TIED AT FRONT OF ROTATION NO RECORD | | REDWOOD |
| | WOOD FENCE | | MAGNOLIA |
| | WIRE FENCE | | UNKNOWN |
| | CONCRETE | | EDGE OF PAVEMENT |
| | FLAGSTONE | | AIR CONDITIONER |
| | GRAVEL | | WATER HEATER |
| | CONCRETE RETAINING WALL | | BUILDING OVERHANG |
| | DRAIN INLET | | ROOF DRAIN |
| | SEPTIC TANK ACCESS | | TEMPORARY BENCHMARK |
| | SEPTIC DISTRIBUTION BOX | | CONTROL POINT |
| | SANITARY SEWER CLEANOUT | | MAGNETIC NAIL AND WASHER |
| | CONCRETE | | |
| | HOSE BIB | | |
| | WATER METER | | |
| | JOINT UTILITY POLE | | |
| | ELECTRIC METER | | |
| | SIGN | | |

BASIS OF BEARING:
 N53°01'00"E BETWEEN FOUND MONUMENTS AS SHOWN ON 6 RM 94, MARIN COUNTY RECORDS.

BENCHMARK:
 A ONE POINT MINIMALLY CONSTRAINED CORRS ADJUSTMENT USING CORRS STATIONS FARB, P183, AND SVNL, ADJUSTMENT BASED ON NAD83, CALIFORNIA ZONE 3 (0403), CSRC 2017.50 EPOCH, GEOD12B(COADS), USING A 1.8 HOUR GPS OBSERVATION OF CONTROL POINT 4 ON 10/22/20.
CONTROL POINT 4 ELEVATION = 92.35'

NOTE:
 BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM RECORD MAP 6 RM 94, MARIN COUNTY RECORDS, AND SHOULD NOT BE CONSIDERED AS FINAL OR ALL INCLUSIVE. ENCROACHMENTS, AMBIGUITIES AND INCONSISTENCIES (IF ANY) BETWEEN THE RECORD DATA AND ACTUAL FIELD CONDITIONS WERE NEITHER CONSIDERED NOR RESOLVED.



SURVEYOR'S STATEMENT
 THIS MAP IS BASED ON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION ON 12/22/20 AND REPRESENTS THE VISUAL SURFACE CONDITIONS AS OF THE DATE OF SURVEY.

michael
ford
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 inc.
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boundary surveys
 topographic mapping
 aerial topography
 subdivision mapping
 construction staking
 g.i.s. base maps

APN 112-031-02
 20 VIA DE LA VISTA
 INVERNESS, CA.

TOPOGRAPHIC MAP

REVISIONS:

DATE: 1/5/20
 DRAWN BY: AJ
 CHECKED BY: MEF

SCALE: 1" = 10'
 JOB NUMBER: 2035350
 DWG. FILE: 3550-TP.DWG

GAULT
(GORDON)

HARTZELL
(MELONEY)

PROPERTY LINES

GATE

FENCE LINE

WATTERS
(RANNELL)

FROM 20 VIA DE LA VISTA
SURVEY MAP DATED
1/5/2020



115 CAMINO DEL MAR
INVERNESS, CA 94937

SOUTHWEST CORNER
SCALE: 1/4" = 1'-0"