

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

A RESOLUTION DENYING THE HUGHES APPEAL AND SUSTAINING THE
PLANNING COMMISSION'S CONDITIONAL APPROVAL OF
THE HANSEN MINOR DESIGN REVIEW
80 H LANE, NOVATO
ASSESSOR'S PARCEL 143-142-25

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SECTION 1: FINDINGS

- I. WHEREAS the applicant Howard Lasseter, on behalf of the owners Tilden and Penny Hansen, is requesting Minor Design Review approval proposing construction of a two-story, 21.75-foot high, 800 square foot, detached accessory structure. The structure would be comprised of a 247 square-foot single-car garage, a 67 square-foot bathroom, and an approximately 86 square-foot storage area on the lower level, and a 400 square foot workshop with exterior access on the upper level. The project is subject to Design Review pursuant to Marin County Code, Section 22.42.020 (Design Review, Applicability) because the subject property is located within a Planned District. The subject property is identified as 80 H Lane, Novato and is further identified as Assessor's Parcel 143-142-25.
- II. WHEREAS on November 13, 2006, the Community Development Agency issued a Notice of Decision on the Hansen Minor Design Review granting conditional approval for construction of the two-story, 21-foot, nine-inch high, 800 square foot, detached accessory structure, which required modifications to the project prior to issuance of the building permit to include: (a) revisions to limit window size and placement on the south façade of the upper level to two six-foot by 1-foot, 4-inch windows, placed side-by-side at a head height of 6-foot, 8-inches; (b) revisions to utilize obscured glass within windows located on the south façade of the upper level; and (c) revisions to either relocate the exterior stairway to the north façade of the structure; or alternatively, maintain the exterior stairway on the east façade of the building with revisions to change the direction of the stairs (to ascend in a southerly direction) and provide solid privacy screening along the south opening of the second-level landing.
- III. WHEREAS, a timely appeal of the Community Development Agency's approval of the Hansen Minor Design Review was been filed by Tom and Kathy Hughes, owners of the adjacent property to the south located at 74 H Lane (aka 76 H Lane), Novato (Assessor's Parcel 143-171-59), which includes the following assertion:

"This structure devalues our property by eliminating any and all privacy in the back yard, and even worse, the master bedroom. We prefer and have asked repeatedly, that this structure be limited to a single story."

- IV. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on January 22, 2007, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS, a timely appeal of the Planning Commission's approval of the Hansen Minor Design Review was filed by Tom and Kathy Hughes, owners of the adjacent property to the south located at 74 H Lane (aka 76 H Lane), Novato (Assessor's Parcel 143-171-59), which includes the following assertion:

"Chapter 22.16 of the Marin County Development Code was not correctly and accurately applied in the processing of the application or in the appeal of the Community Development Agency's conditional approval of the Hansen Minor Design Review."

- VI. WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on March 13, 2007, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.
- VII. WHEREAS the Marin County Board of Supervisors finds that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a detached accessory structure on a residentially developed property located within a residentially zoned district, with no potentially significant impacts on the environment.
- VIII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Countywide Plan policies because it would:
 - A. Contribute to the diversity of housing stock within the Blackpoint Community without adversely affecting agricultural areas or public open space in the project vicinity;
 - B. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - C. Result in development which conforms to the governing standards related to building height, size and location;
 - D. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;
 - F. Minimize soil disturbance and maximize protection of natural vegetation; and
 - G. Minimize potential hazards to the public from private construction.

- IX. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with all of the mandatory findings to approve the Hansen Minor Design Review application (Section 22.42.060 of the Marin County Code) because:

The project, with modifications required as conditions of project approval to include: (a) revisions to limit window size and placement on the south façade of the upper level to two six-foot by 1-foot, 4-inch windows, placed side-by-side at a head height of 6-foot, 8-inches; and (b) revisions to either relocate the exterior stairway to the north façade of the structure; or alternatively, maintain the exterior stairway on the east façade of the building with revisions to change the direction of the stairs (to ascend in a southerly direction) and provide solid privacy screening along the south opening of the second-level landing., is consistent with the required findings cited above because the new detached accessory building would result in a structure with a height, mass, and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the detached accessory structure would conform to a principally permitted use in the ARP-2.0 zoning district that governs the subject property and would be situated solely on the subject property. Modifications to the proposed structure required as conditions of project approval would assure privacy to the occupants of the structure and to the neighboring residents to the south. In addition, a row of immature trees and shrubs located on the neighboring property to the south along to the common property line would mature over time and provide visual screening between the properties. Construction of the detached structure would minimize drainage alterations, grading and excavation, tree removal, and other adverse physical effects on the natural environment because it would be located in the general location of an existing structure that would be demolished. Finally, the design of the detached accessory structure would be compatible with that of other structures on the subject property and with structures in the vicinity, would respect the surrounding natural environment, would utilize colors and materials consistent with the prevailing community character, and would not diminish views from surrounding properties.

- X. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is consistent with Section 22.16.030.K.1.e of the Marin County Code, which allows heights of detached accessory structures to exceed 15 feet above grade, due to the location of the structure at a lower grade elevation than immediately adjacent neighboring residences and because the structure would be located more than 70 feet from the neighboring residence to the south. In addition to the grade differential and large setback which minimize its visibility, the building has also been designed to attain a height of 21 feet, nine inches, which is substantially below the zoning district's 30-foot limit for the primary residence.
- XI. WHEREAS, the Marin County Board of Supervisors finds that the basis for the appeal of the Director's conditional approval cannot be substantiated because the project, with modifications required by Conditions #3 and #4, would not result in privacy impacts and the proposed design characteristics, size, and location of the structure would not result in visual impacts as asserted by the appellant.

- XII. WHEREAS, the Marin County Board of Supervisors finds that the basis for the appeal of the Planning Commission's conditional approval cannot be substantiated because Marin County Code Chapter 22.16 (Planned District Development Standards) were correctly and accurately applied to the project pursuant to Marin County Code Chapter 22.42 and consistent with Marin County Code Section 22.42.060 (Decision and Findings) as summarized in Finding IX (above).

SECTION 2: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Hughes appeal and sustains the Community Development Agency's conditional approval of the Hansen Minor Design Review subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22. 42 (Design Review) of the Marin County Code, the Hansen Minor Design Review is approved, with the conditions outlined below, for construction of a two-story, 21-foot, nine-inch high, 800 square foot, detached accessory structure. The structure is approved to include a 247 square-foot single-car garage, a 67 square-foot full bathroom, and an approximately 86 square-foot storage area on the lower level, and a 400 square foot workshop with exterior access on the upper level. The exterior finishes are approved to match the existing residence consisting of plywood siding with 1-inch by 2-inch vertical batten boards at 16 inches on center (stained oxford brown), wood window, door, and corner trim (stained oxford brown), bronze color window sashes, and composition shingle roofing.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Proposed Detached Garage Structure for Tilden & Penny Hansen," consisting of 3 sheets prepared by Howard Austin Lasseter, dated June 22, 2006, with revisions dated August 22, 2006, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, plans shall be revised to limit window size and placement on the south façade of the upper level to two six-foot by 1-foot, 4-inch windows, placed side-by-side at a head height of 6-foot, 8-inches.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, plans shall be revised to either: (1) relocate the exterior stairway to the north façade of the structure; or (2) maintain the exterior stairway on the east façade of the building with revisions to change the direction of the stairs (to ascend in a southerly direction) and provide solid privacy screening along the south opening of the second-level landing. These modifications shall be subject to final review and approval by Community Development Agency staff.

5. Approved exterior building materials and colors shall substantially conform to the notes indicated on Sheet 3 of "Exhibit A", on file with the Marin County Community Development Agency, to match the existing residence and detached garage, which include:
 - a. Siding: Plywood siding with 1 by 2 vertical batten boards at 16 inches on center (stained oxford brown);
 - b. Roof: Composition shingle roofing
 - c. Trim and doors: Wood (stained oxford brown)
 - d. Window Stash: Bronze

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Hansen Minor Design Review conditions of approval as notes.
7. BEFORE FINAL INSPECTION, this Notice of Decision shall be recorded to inform current and future property owners of the restrictions on development and use of the approved detached accessory structure. Limitations on the development and use of the detached accessory structure include the following: (1) the structure shall not contain any food preparation facilities which may include, but are not limited to, kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink; and (2) the structure shall not be used as a dwelling unit separate from the existing residence or rented without first securing approval from the Marin County Community Development Agency - Planning Division.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, a lighting detail shall be provided on Building Permit Plans submitted for review and approval by Community Development Agency staff. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties, and shall be limited to the minimum necessary for safety purposes.
9. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
- 10. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
- 11. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
- 12. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines.
- 13. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Community Development Agency – Environmental Health Services Division (EHS)

- 14. BEFORE ISSUANCE OF A BUILDING PERMIT, the EHS will require that the septic tank be retrofitted with risers and effluent filter (no permit required, but provide documentation to EHS that this was accomplished).
- 15. BEFORE ISSUANCE OF A BUILDING PERMIT, the Building Permit plans shall show the plumbing of the proposed garage bathroom to the existing septic system. If a pump is necessary, please submit plans and permit application to EHS. Low-flow plumbing fixtures will be required in the proposed garage bathroom.

Marin County Department of Public Works - Land Use and Water Resources Division

16. All improvements shall conform to title 24 of the Marin county code or as approved by the Department of Public Works and the Novato Fire Protection District.

Novato Fire Protection District

17. BEFORE FINAL INSPECTIONS, the applicant shall submit written certification from the District Fire Marshal that the project complies with all District regulations, including, but not limited to the following items listed below.
 - a. An automatic residential fire sprinkler system is required per NFPA Standard 13D, Fire Protection Standard #401.
 - b. The applicant shall provide verification that Knox key access, conforming to NFD Standard #202, has been installed at the driveway gate.

North Marin Water District

18. BEFORE THE FINAL INSPECTION, the applicant shall submit confirmation from the District that all requirements of the District have been satisfied, including, but not limited to, the following:
 - a. Replacement of the ¾-inch lateral with a 1-inch water service lateral and the replacement of the 5/8-inch meter with a 1-inch meter to provide necessary flow for the required fire sprinkler system.
 - b. The project must conform to District Regulation 15—Mandatory Water Conservation Measures.

SECTION 3: DECISION AND VESTING

NOW, THEREFORE BE IT RESOLVED that THE Board of Supervisors sustains the Planning Commission's decision and approves the Hansen Minor Design Review application.

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Minor Design Review approval by securing a Building Permit for all of the approved work and substantially completing all approved work by March 13, 2009, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Director approves it. Design Review extensions to a total of not more than four (4) years may be granted for cause pursuant to Marin County Code Section 22.56.050.

SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin,
State of California, on the 13TH day of March, 2007, by the following vote:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Matthew Hymel
Clerk of the Board