



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

## STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

Schneider Use Permit

Item No:	C4.	Application No:	UP 05-40
Applicant:	Kenn Vincent	Owner:	David Schneider
Property Address:	714 Cabin Drive, Mill Valley	Assessor's Parcel:	049-181-30
Hearing Date:	October 13, 2005	Planner:	Larisa Roznowski

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>October 24, 2005</b>
<b>LAST DATE FOR ACTION:</b>	<b>October 16, 2005</b>

### PROJECT DESCRIPTION:

The applicant is requesting Use Permit approval to construct a two-story, detached 898 square foot garage/storage structure 6 inches south of the existing residence that would be accessory to an existing 2,039 square foot single-family residence in Mill Valley. The proposed garage is 479 square feet and the proposed storage is 419 square feet. As proposed, the total floor area of 2,458 square feet (excluding 479 square feet of which is garage area) on the 8,417 square foot parcel would result in a floor area ratio (FAR) of 29.2 percent. The structure would attain a maximum height of 22 feet above natural grade and would attain the following setbacks from nearest corresponding property lines: 1 foot from the southern front property line and 3 feet from the western side property line. The structure would be finished with siding, trim, and composition shingles to match the existing residence. The proposed project requires Use Permit approval because the proposed accessory structure is located in the required 25-foot front yard setback and 5-foot side yard setback and exceeds the 15-foot height limit.

### GENERAL INFORMATION:

Countywide Plan:	SF-6 (4 to 7 units per acre)
Zoning:	R-1:B-1 (Residential, Single-Family, 6,00 square feet minimum lot area)
Lot size:	8,417 square feet
Adjacent Land Uses:	Single-Family Residential
Vegetation:	coast live oak(s) and introduced vegetation
Topography and Slope:	approximately 50% downslope to the northern rear of the property
Environmental Hazards:	slope stability

### ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA

Guidelines because construction of an accessory structure on a residentially developed lot would not result in any potentially significant impacts to the environment.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property.

**PLAN CONSISTENCY:**

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Tamalpais Community Plan. The proposed structure is accessory to the principally permitted residential use of the property. Please also refer to the plan consistency findings contained in the attached resolution.

**PROJECT ANALYSIS:**

Background

The 8,417 square foot property is currently developed with a 2,039 square foot single-family residence and an existing parking deck that meets the southern front property line and is 3 feet from the western side property line. The lot slopes approximately 50 percent to the northern rear of the property. The location of the proposed garage/storage structure is in the front and side yard setbacks and it is replacing an existing parking deck in the same approximate location.

Detached Garage/Storage Structure

The proposed accessory structure would consist of a 479 square foot garage on the street level and a 419 square foot storage area below the garage and below the street level. As proposed, the total floor area of 2,458 square feet, excluding 479 square feet of which is garage area, on the 8,417 square foot parcel would result in a floor area ratio (FAR) of 29.2 percent. The structure would attain a maximum height of 22 feet above natural grade and would attain the following setbacks from nearest corresponding property lines: 1 foot from the southern front property line and 3 feet from the western side property line. The proposed garage/storage structure is appropriate given its lack of adverse impacts, moderate size, and design which would be finished to match the existing residence. Although the accessory structure would be visible from neighboring properties, it would not impair the architectural integrity and character single-family residential land use of the neighborhood. In addition, the project is recommended for approval by the Tam Design Review Board.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Schneider Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Schneider Use Permit
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Architectural Plans (site plan/floor plans and elevations/sections)

6. Partial Boundary Survey, received 2/18/05
7. Southern Marin Fire Protection District letter, 3/12/05
8. Marin Municipal Water District letter, 3/16/05
9. Tam Design Review Board minutes, 3/16/05
10. Department of Public Works, Land Use and Water Resources Memorandum, 8/17/05
11. Letter of Support from Toni Wolfson, 5/22/05
12. Letter of Support from Pamela Smith, 5/22/05
13. Letter of Support from M. Malnekoff, 5/23/05
14. Letter of Support from Andrew Walbert, 5/23/05
15. Letter of Support from Jim Rumer, 5/23/05
16. Letter of Support from Kathleen Hannah, 5/24/05

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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING THE SCHNEIDER USE PERMIT  
714 CABIN DRIVE, MILL VALLEY  
ASSESSOR'S PARCEL 049-181-30

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**SECTION I: FINDINGS**

- I. WHEREAS Kenn Vincent, on behalf of the owner, David Schneider has submitted a Use Permit application for the construction of a two-story, detached 898 square foot garage/storage structure 6 inches south of the existing residence that would be accessory to an existing 2,039 square foot single-family residence in Mill Valley. The proposed garage is 479 square feet and the proposed storage is 419 square feet. As proposed, the total floor area of 2,458 square feet, excluding 479 square feet of which is garage area, on the 8,417 square foot parcel would result in a floor area ratio (FAR) of 29.2 percent. The structure would attain a maximum height of 22 feet above natural grade and would attain the following setbacks from nearest corresponding property lines: 1 foot from the southern front property line and 3 feet from the western side property line. The structure would be finished with siding, trim, and composition shingles to match the existing residence. The subject property is located at 714 Cabin Drive in Mill Valley, and is further identified as Assessor's Parcel 049-181-30.
  
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing October 16, 2005, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
  
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per 15303, Class 3 of the CEQA Guidelines because construction of an accessory structure on a residentially developed lot would not result in any potentially significant impacts to the environment.
  
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
  - A. The project would be consistent with the SF-6 (Single-family Residential, four to seven units per acre maximum density) land use designation;
  - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
  - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works; and
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Tamalpais Community Plan because:
- A. The proposed project would retain the residential character that is representative of the Tamalpais community;
  - B. The proposed project would maintain the current density of the property (SF-6, Single-family Residential, four to seven units per acre maximum density); and
  - C. The project would provide adequate on-site parking as determined by the Department of Public Works.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a Use Permit per Section 22.48.040 of the Marin County Code can be made for the following reasons:

- A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.**

The proposed accessory structure complies with (1) Marin County Code Section 22.20.060.F that allows a detached accessory structure in the R-1:B-1 zoning district to exceed the 15 foot height limit for accessory structures and (2) Marin County Code Section 22.20.090.C.2 that allows a detached accessory structure in the R-1:B-1 zoning district to exceed the 15 foot height limit for accessory structures, with Use Permit approval.

- B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.**

The use of the garage/storage structure would be accessory to a residential use that is permitted in the SF-6 land use designation and the Tamalpais Area Community Plan. The structure would be required to comply with the building code requirements and thereby would be structurally safe, and would not create a detriment to the public welfare or be injurious to property or improvements in the neighborhood.

- C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).**

The garage use would be accessory to a residential use that is a class of project that is exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3 because construction of an accessory structure on a residentially developed lot would not result in any potentially significant impacts to the environment.

- D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.**

The location of the proposed garage/storage structure is in the front and side yard setbacks and it is replacing an existing parking deck in the same approximate location. The proposed location is also consistent with other parking structures in the neighborhood that are sited close to the front and side property lines. The proposed garage is 479 square feet and the proposed storage is 419 square feet which is compatible with the size and use of existing and

future land uses in the vicinity. The design of the proposed structure is compatible with the neighborhood because the storage level is not visible from the Cabin Drive because it is below the garage and street level. Finally, the project is recommended for approval by the Tam Design Review Board.

**E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.**

The proposed accessory structure would be finished with siding, trim, and composition shingles to match the existing residence and would not impair the architectural integrity or character of the R-1:B-1 zoning district.

**F. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The project is for a structure that includes a moderately-sized garage/storage structure, accessory to the single-family residence. Including the findings described above in Section VI, A through F, the granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Schneider Use Permit subject to the following conditions:

### Community Development Agency – Planning Division

1. Pursuant to Chapter 22.48 (Use Permits) of the Marin County Code, the Schneider Use Permit is approved for the construction of a two-story, detached 898 square foot garage/storage structure 6 inches south of the existing residence that will be accessory to an existing 2,039 square foot single-family residence in Mill Valley. The garage will be 479 square feet and the storage will be 419 square feet. The total floor area of 2,458 square feet (excluding 479 square feet of which is garage area) on the 8,417 square foot parcel will result in a floor area ratio (FAR) of 29.2 percent. The structure will attain a maximum height of 22 feet above natural grade and will attain the following setbacks from nearest corresponding property lines: 1 foot from the southern front property line and 3 feet from the western side property line. The structure will be finished with siding, trim, and composition shingles to match the existing residence. The subject property is located at 714 Cabin Drive in Mill Valley, and is further identified as Assessor's Parcel 049-181-30.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled "Schneider Residence, 714 Cabin Dr., Mill Valley, CA", consisting of two sheets prepared by Noushin Sharif-Murphy, received July 18, 2005 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, 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 conditions of approval as notes.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a “Certified” or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the “Certified” or better rating.
5. New exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
6. 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.
7. 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.
8. The applicant/owner hereby agrees to 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 the structure containing a garage and second unit, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney’s fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
9. 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.
10. 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.

11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the southern front property line and the western side property line, and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks.

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

12. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
- A. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
  - B. A Recorded Notice and Acknowledgement will be required for improvements within the roadway easement. Note any proposed structure on the frontage (i.e. retaining walls, railings, stairs, etc.) shall start at least 4 feet back from edge of the adjoining road.

Southern Marin Fire Protection District

13. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
- A. All access roads serving a dwelling(s) shall be a minimum of 12 feet in width and be paved.
  - B. Driveways off access roads serving dwelling units shall meet Marin County Standards related to dimensions, surfacing and slope (slope not to exceed 21 percent).
  - C. All new driveways shall be designed so that emergency vehicles can negotiate turns without having to make backing maneuvers (no switchbacks).
  - D. On addition to the turn-around described above, driveways or access roads shall have turnouts every 150 feet or as required by the fire district. A turnout shall be described as a shoulder or wide portion of the driving surface which has enough useable surface for vehicles to pass.
  - E. A fire sprinkler system is required in all new construction.
  - F. The address shall be posted in accordance with requirements of the Uniform Building Code.
  - G. Non-combustible roofing shall be required for all new construction.
  - H. Provide for compliance with Public Resources Code 4291 relating to brush and weed clearance.

Marin Municipal Water District

14. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by: obtaining a Building Permit or other construction permit, for the approved work and substantially completing the improvements in accordance with the approved permits. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon adherence to all conditions of approval.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Use Permit approval (and no extensions have been granted), the Building Permit and Use Permit approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Use Permit at least 10 days before the expiration of the Use Permit approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$545 filing fee must be submitted in the Community Development Agency – Planning Division, Room 308, Civic Center, San Rafael, no later than **October 24, 2005**.

**SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 13<sup>th</sup> day of October 2005.

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TOM LAI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary