

ORDINANCE NO. 3540
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDMENTS TO MARIN COUNTY CODE TITLE 22 (DEVELOPMENT CODE)

SECTION I. FINDINGS

The Board of Supervisors of the County of Marin ordains as follows.

- I. WHEREAS, the Marin County Community Development Agency initiated the proposed amendments to the Marin County Code Title 22 (Development Code). The Development Code includes the zoning and subdivision regulations that govern the development and use of private and public land, buildings, and structures located within the unincorporated areas of Marin County. The proposed amendments would modify Section 22.30.040 (Lucas Valley Community Standards) by : (1) distinguishing between the height limits for Eichler-design residences and the non-Eichler-design residences that are located on Mount Palomar Court, Mount Tallac Court, Mount Wittenburg Court, and Mount Muir Court; (2) clarifying the height limit for detached accessory structures; (3) updating the Design Review findings applicable to Eichler and non-Eichler residences; (4) modifying the list of work that qualifies for an exemption from Design Review; and (5) clarifying and improving the overall readability of the ordinance. The proposed text amendments would affect properties in the Lucas Valley community that are governed by the R1:BLV (Single-family Residential, Lucas Valley) zoning district.
- II. WHEREAS, the Marin County Planning Commission conducted public hearings on November 9, 2009 and February 8, 2010 to consider the proposed amendments to the Development Code and voted unanimously to recommend that the Board of Supervisors adopt an ordinance approving the proposed amendments to Marin County Code Title 22 (Development Code).
- III. WHEREAS on March 16, 2010 and May 4, 2010 the Marin County Board of Supervisors conducted duly-noticed public hearings to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS, the Development Code implements the goals, policies and programs of the Marin Countywide Plan (CWP) which are necessary to protect the public health, safety, and welfare of residents and businesses in the unincorporated areas of Marin County.
- V. WHEREAS the Marin County Board of Supervisors made the following findings of consistency with the Marin County Code Section 22.116.050: (1) the proposed amendments are consistent with the goals, policies, objectives, and programs of the CWP to ensure the orderly planned growth and protection of natural resources and the environment; (2) the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and (3) the proposed amendments are internally consistent with other applicable provisions of the Development Code.
- VI. WHEREAS, the Marin County Board of Supervisors certified a Final Environmental Impact Report (EIR) for the CWP prior to adoption of the CWP. The certified EIR adequately evaluated the Development Code, which functions as an implementing program to the CWP.

A subsequent or supplemental EIR is not required because the proposed project does not include substantial changes involving new or more severe significant environmental effects, nor does the proposal involve new information that was not known at the time the EIR for the CWP was certified.

SECTION II: AMENDMENTS TO TITLE 22

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the amendments to Marin County Code Title 22 (Development Code) as depicted in Exhibit "A" of this Ordinance. The requirements of Marin County Code Section 22.01.040.F shall govern the applicability of the approved amendments to existing projects that are in the development review process.

SECTION III: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

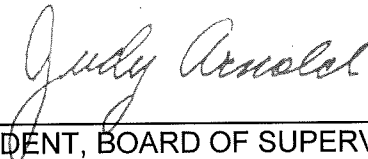
SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 4th day of May, 2010 by the following vote:

AYES: SUPERVISORS Susan L. Adams, Harold C. Brown, Jr., Charles McGlashan,
Judy Arnold

NOES: NONE

ABSENT: SUPERVISOR Steve Kinsey



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK

EXHIBIT A

22.30.040 – Lucas Valley Community Standards

- A. Applicability.** The standards of this Section apply to development and land uses within the area identified as Lucas Valley in the Countywide Plan (Lucas Valley Land Use Policy Map 2.2) and the governing R1:BLV (Single-family Residential Lucas Valley) zoning district.
- B. Purpose.** This Section provides development standards intended to: (1) preserve the unique architectural style of the Eichler-design residences that define the predominant character of the Lucas Valley community; and (2) preserve those design attributes that characterize the lots with Eichler-design structures and those lots with non-Eichler-design structures located on Mount Tallac Court, Mount Wittenburg Court, Mount Palomar Court and Mount Muir Court.
- C. Limitation on uses within the R1:BLV zoning district.** Allowable land uses shall be limited to the following on properties within the R1:BLV zoning district, instead of those normally allowed in the R1 zoning district by Section 22.10.030 (Residential Zone Land Uses and Permit Requirements):
1. Single-family dwellings;
 2. Public parks and playgrounds;
 3. Non-commercial greenhouses accessory to single-family dwellings;
 4. Home occupations, in compliance with Section 22.32.100 (Home Occupations);
 5. Schools, libraries, churches, monasteries, convents, tennis courts and similar non-commercial recreational uses, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits);
 6. Child day-care facilities, in compliance with Section 22.32.050 (Child Day-Care Facilities); and
 7. Accessory buildings and accessory uses.
- D. Design standards.**
1. **Height limit for Eichler-design residences:** 15 feet, six inches, or the height as approved of the existing residence, whichever is greater. Structures over the height limit require Variance approval in compliance with Chapter 22.54 (Variances).
 2. **Height limit for Mount Palomar Court lots:** 16 feet, six inches. Structures over the height limit require Variance approval in compliance with Chapter 22.54 (Variances).
 3. **Height limit for Mount Tallac Court, Mount Wittenburg Court, and Mount Muir Court lots:** 30 feet. Structures over 30 feet in height and up to 35 feet in height require Design Review approval in compliance with Chapter 22.42 (Design Review). Structures over 35 feet in height require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances).

4. **Height limits for roof-mounted and ground-mounted solar panels.** Flush-mounted solar panels may extend up to two feet in height above the roof. Height in excess of two feet above the roof shall require Design Review approval in compliance with Chapter 22.42 (Design Review). Ground-mounted solar panels located within the side and rear yards behind a solid fence shall not exceed a height of four feet above grade, unless approved through Design Review.
5. **Detached accessory structures: Height limit for lots with Eichler-design residences and for Mount Palomar Court lots:** Detached accessory structures shall not exceed 100 square feet in floor area and a maximum height of 8 feet. Structures over the size or height limit require Design Review approval in compliance with Chapter 22.42 (Design Review).
6. **Detached accessory structures: Height limit for Mount Tallac Court, Mount Wittenburg Court, and Mount Muir Court:** Detached accessory structures shall not exceed 100 square feet in floor area and a maximum height of 15 feet or the height of the existing residence, whichever is lower. Structures over the size or height limit require Design Review approval in compliance with Chapter 22.42 (Design Review).
7. **Setback requirements.** Structures shall be located in compliance with the following minimum setbacks from property lines. See Section 22.20.090.B (Measurement of Setbacks).
 - a. **Front:** 25 feet.
 - b. **Sides:** 6 feet on each side; 10 feet for a street side setback on a corner parcel.
 - c. **Rear:** 20 percent of the lot depth, up to a maximum of 25 feet.
8. **Exemptions from setback requirements.** The improvements listed in Section 22.20.090.D (Exemptions from setback requirements) are exempt from setback requirements in the R1:BLV zoning district.
9. **Allowable Floor Area Ratio (FAR):** 30 percent (0.30) of lot area is permitted.
10. **Minimum lot area required:** 7,500 square feet, except as provided for in Section 22.82.050 (Hillside Subdivision Design).

E. Design Review required and additional findings. All new construction and modifications to existing structures in the R1:BLV zoning district, with the exception of those improvements listed in Section 22.30.040.F. below, shall be subject to Design Review approval in compliance with Chapter 22.42 (Design Review). The review authority may approve a Design Review, with or without conditions, only if all of the following findings are made:

1. All mandatory findings contained in Section 22.42.060 (Design Review--Decision and Findings) can be made.
2. For an Eichler-design residence, the proposed development and improvements retain and preserve the classic architectural design elements and design concepts including, but not necessarily limited to: retention of the simple, rectilinear style, form, and facades; respect of the post-and-beam detailing; window and door details; roof slopes; exterior finishes and colors; scale and proportions; transition of spaces; entry courtyards; atrium features; and deep roof overhangs.

3. The over-all residential development preserves, and is compatible with, the existing character and quality of the prevailing single-family residential neighborhood.
4. The proposed development utilizes exterior building materials, surfaces, and colors consisting of natural and non-reflective materials and colors that blend into the natural environment unobtrusively. Exterior materials and colors on Eichler-design residences are consistent with the classic Eichler exterior characteristics and finishes.
5. The landscaping design utilizes fire resistance, erosion control, and drought tolerant species, provides visual buffering for privacy, and upon maturity will not obscure the major views of the off-site vistas as seen from public streets. The landscaping design utilizes landscaping material that blends and is consistent with the prevailing neighborhood design characteristics.
6. Siting of additions preserves privacy and views between neighboring residences.

F. Exemptions from Design Review. The following developments and physical improvements are exempt from Design Review:

1. Skylights, flush-mounted solar panels that do not exceed two feet above the roof line, chimneys, satellite dishes, ground-mounted air conditioning units located within the interior side and rear yards behind a solid fence, wall-mounted air conditioning units on a building elevation that faces an interior side or rear yard, and pool equipment;
2. Replacement and repair of exterior siding, roofing, windows and doors;
3. Exterior painting;
4. Interior remodels;
5. Atrium enclosures which do not exceed the height of the existing roofline;
6. Wood fences which do not exceed six feet in height and located within the side and rear yards or on the property line defining such yards;
7. Decks and patios not exceeding 18 inches in height above grade;
8. Landscape improvements;
9. Ground-mounted solar panels that do not exceed four feet in height above grade and are located within the side and rear yards behind a solid fence; and
10. Other work that the Director determines to be minor and incidental in nature and which is in compliance with the purpose of the Chapter 22.42 (Design Review).