

**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION**

Koogle/Scott Joint Trust et al. Design Review

**Decision: Approved, as conditioned**  
**Date: May 28, 2024**

Project ID No: P4452 Applicant(s): Alexander Gregor, Out There In Here  
Owner(s): Koogle/Scott Joint Trust et al.  
Assessor's Parcel No(s): 157-560-08  
Property Address: 38 Dolphin Isle, Novato, California 94949  
Project Planner: Easton Ehlers  
(415) 473-7023  
easton.ehlers@marincounty.gov

Signature: *Easton Ehlers*

Countywide Plan Designation: SF4 (Rural/Residential)  
Community Plan Area: Not applicable  
Zoning District: RSP-1.6-BFC Districts (Residential, Single-Family Planned District with a Residential Density of 1.6 Units Per Acre, Including the Bayfront Conservation Combining District)  
Environmental Determination: Categorically Exempt, Pursuant to CEQA Guidelines Section 15301, Class 1

**PROJECT SUMMARY**

The applicant requests Design Review approval to construct a new single-story residential addition on a developed lot within an unincorporated area of Novato. The 360 square feet of proposed development would result in a floor area ratio of 25 percent on the 10,523 square foot lot. The proposed addition would reach a maximum height of 15 feet, two inches (23 feet, two inches NAVD 88) above surrounding grade. The setbacks from the exterior walls of the addition measure: 76 feet, five inches to the northern front property line; 28 feet, seven inches to the eastern side property line; eight feet, eight inches to the western property line; and 85 feet, seven inches to the southern rear property line. The proposed development would also entail various site improvements to accommodate the new single-story addition. These improvements include

the demolition of a covered porch and exterior wall, the installation of a stairway and landing, and alteration of the interior layout of the existing single-family residence.

Design Review approval is required pursuant to Marin County Code Section 22.42.025(A) because the project cannot be otherwise exempt from the requirement to obtain Design Review approval.

### **COUNTYWIDE PLAN CONSISTENCY**

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the removal of any native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

## **DEVELOPMENT CODE CONSISTENCY**

### **Mandatory Findings for Design Review (Marin County Code Section 22.42.060)**

The project is consistent with the mandatory findings for Design Review approval for the reasons discussed below.

- A. The proposed development is consistent with the Design Guidelines and Discretionary Development Standards because the exterior materials proposed for the development would complement the project design and the surrounding area because it is designed to avoid adversely affecting natural resources and the character of the local community. There are no standards provided in Marin County Code (MCC) Section 22.32.168 (Tidelands) that apply to the project because Bel Marin Keys is not subject to tidal action. The project site is located within the Bayfront Conservation Combining District (-BFC) and is therefore subject to the standards provided in MCC Section 22.14.060 (Bayfront Conservation (-BFC) Combining District Standards). The project is consistent with the Design Guidelines in MCC Section 22.14.060(F) most pertinent to the subject property, as discussed below.
  - i. The project complies with MCC Section 22.14.060(F)(1) (Design Guidelines, Habitats) because it prevents the destruction or deterioration of habitat. It achieves this by not encroaching into wetlands and sensitive wildlife habitats, not limiting normal range areas, not creating barriers that cut off access to food, water, or shelter, and not causing damage to fisheries or fish habitats. Additionally, the project is designed to minimize vegetation removal, which is important for soil stabilization, increasing recharge, and providing wildlife habitat.
  - ii. The project complies with MCC Sections 22.14.060(F)(3) (Design Guidelines, Buildings) and 22.14.060(F)(7) (Design Guidelines, Aesthetic and Scenic Quality) because the design of the new single-story residential addition preserves visual access to the bayfront. Towards this end, the project would maintain adequate separation between neighboring primary residential structures to preserve view corridors to the bayfront. The project also adopts a low-profile, nondescript design, in keeping with the community's development pattern for minor residential additions of floor area. The maximum height of the residential addition is only 15 feet, two inches (23 feet, two inches NAVD 88) above surrounding grade. Furthermore, the project is not located within a designated flood zone and, therefore, does not need to comply with the minimum development standards for identified floodplain areas as established in MCC Section 23.09 (Floodplain Management).

- iii. The project complies with MCC Section 22.14.060(F)(5) (Design Guidelines, Environmental Quality) because it prevents the destruction or deterioration of environmental quality. This is because the scale of the project, which includes 360 square feet of residential development, and the requirement to comply with Marin County standards and best management practices for grading and drainage as overseen by the Department of Public Works, inherently minimizes the effects of earth disturbance, erosion, water pollution, and disruption of wildlife habitat.
  - iv. The project complies with MCC Section 22.14.060(F)(8) (Design Guidelines, Protection from Geologic, Flooding and Other Hazards) because it will adhere to construction standards that ensure potential hazards associated with development do not endanger public health and safety. This is because the project is consistent with the policies contained in the Environmental Hazards Element of the Countywide Plan, specifically EH-2.1 (Avoid Geologic Hazard Areas) and EH-4.1 (Limit Risks to Structures). In accordance with these policies, local agencies will assess the project to ensure that risks associated with earthquakes and unstable ground conditions are minimized, and that sufficient fire protection measures are implemented. Furthermore, the project has been designed to minimize earth disturbance, erosion, flooding, water pollution, and other hazards to public safety.
- B. The proposed architectural design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.
- C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
- D. The proposed development would not encroach into any streets or pathways and would not detract from the appeal of the streetscape.
- E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

## **ACTION**

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This 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 Design Review approval authorizes the construction of a new single-story residential addition on a developed lot within an unincorporated area of Novato. The 360 square feet of authorized development shall result in a floor area ratio of 25 percent on the 10,523 square foot lot. The authorized addition would reach a maximum height of 15 feet, two inches (23 feet, two inches NAVD 88) above surrounding grade, and the exterior walls shall have the following setbacks: 76 feet, five inches to the northern front property line; 28 feet, seven inches to the eastern side property line; eight feet, eight inches to the western property line; and 85 feet, seven inches to the southern rear property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "38 Dolphin Isle - Addition / DESIGN REVIEW SUBMISSION - Revision 1 / April 2024," consisting of 21 sheets prepared by OUT THERE IN HERE and MKM Associates, received in final form on April 22, 2024, 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 2023" with respect to all of the standard conditions of approval.

### **VESTING**

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

### **RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (June 7, 2024).

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

CDA – Deputy Director, Planning Services

DPW – Land Development

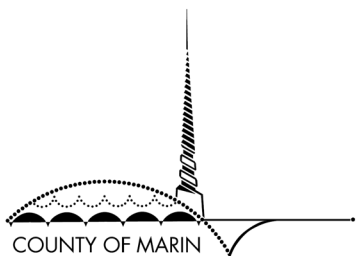
North Marin Water District

Novato Sanitary District

Novato Fire Protection District

Attachments:

1. Marin County Uniformly Applied Conditions 2023
2. Inter-office Memorandum, Department of Public Works, Land Development Division, dated August 23, 2023



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

**2023**

**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: 3/28/24DUE: 4/12/24TO: Easton EhlersFROM: Maria PadillaAPPROVED: RE: Koogle/Scott Joint Trust et al.Permit – P4452APN: 157-560-08ADDRESS: 38 Dolphin IsleNovato, CA**TYPE OF DOCUMENT** DESIGN REVIEW COASTAL PERMIT LAND DIVISION VARIANCE USE PERMIT ADU PERMIT ENVIRONMENTAL REV. OTHER:

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

 Find it **COMPLETE** Find it **INCOMPLETE**, please submit items listed below Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

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

 Traffic Flood Control Other: \_\_\_\_\_**Merit Comments****Prior to Issuance of a Building Permit:****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/erosion-sediment-control-measures-for-small-construction-projects-2015.pdf?la=en>

-END-