



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
PETERSEN COASTAL PERMIT AND VARIANCE**

Item:	H1	Application:	CP 08-21 and VR 08-6
Applicant:	Rebecca Katkin	Owners:	Leif Petersen and Debbie McGuire-Petersen
Property Address:	Melander Architects, Inc. 26 Calle del Pradero, Stinson Beach	Assessor's Parcel:	195-163-09
Hearing Date:	May 15, 2008	Planner:	Neal Osborne

RECOMMENDATION: Approve with Conditions
APPEAL PERIOD: 5 business days to the Planning Commission
LAST DATE FOR ACTION: May 30, 2008

PROJECT DESCRIPTION:

The project is a proposal to legalize as-built improvements to an existing 396 square foot single-family residence, construction of a 120 square foot canvas storage shed, and partial construction of a 1,271 Square foot deck in the rear yard above the septic system tank and leach field. The proposal includes additional renovation of the residence to comply with current Building Codes including minimum ceiling heights, completion of the deck, and construction of a new replacement bathroom. The total floor area proposed would be 536 square feet on the 2,400 square foot property resulting in a floor area ratio of 22.3%. The residence would have a maximum height of 11.5 feet above grade and the following setbacks to the nearest corresponding property lines: 1 foot front (east), 2.5 feet side (north), 14.75 feet side (south), and 40.5 feet rear (west). The canvas storage shed is estimated to have a maximum height of approximately 10 feet above grade and the following setbacks to the nearest corresponding property lines: 51 foot front (east), 14 feet side (north), 6 feet side (south), and 16.75 feet rear (west). The deck would be approximately 1.25 feet above grade with the following setbacks to the nearest corresponding property lines: 16.5 foot front (east), 0.5 feet side (north), 0 feet side (south), and 2 feet rear (west). Two on-site parking spaces are proposed in tandem with a 5 square foot portion of the interior parking space located above the septic tank. One guest parking space is proposed along the frontage of the property in the Calle del Pradero right-of-way.

The subject property is within the California Coastal Commission appeal jurisdiction for the Coastal Development Permit. Variance approval is required for the construction of the new bathroom 2.5 feet from the north side property line where the C-R2 zoning standard is 6 feet. Variance approval is also required for substantial renovation (more than 25% of the existing appraised value) of the existing legal nonconforming residence that is located within the 25-foot front yard and the 6-foot side yard (north).

GENERAL INFORMATION:

Countywide Plan

Land Use Designation: C-MF2, Coastal Multiple- Family, one to four units per acre

Community Plan: Stinson Beach

Zoning: C-R2, Coastal Residential Two Family District, 7,500 square feet minimum lot size

Lot size: 2,400 square feet

Adjacent Land Uses: Single-family residential

Vegetation: Introduced landscaping

Topography and Slope: The site is a level beach site.

Environmental Hazards: The beach property is subject to wave action during major storms and tsunami, and is located approximately ½-mile from the San Andreas Earthquake Fault Zone where land is subject to strong ground shaking and liquefaction.

ENVIRONMENTAL REVIEW:

Staff made a preliminary determination that this project is Categorically Exempt from the requirements of the California Environmental Quality Act according to Section 15301, Class 1(e)(1) of the CEQA Guidelines because it would result in minor additions and remodeling of an existing residence with no potential for significant environmental impacts.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. Staff received three comments from the public regarding the proposed project ([refer to Attachments 12, 13, and 14](#)). Ms. Gina Rulon-Miller has issues with only one on-site parking space where two are standard and guest parking along the private street are at a premium, the removal of a fence that acted as a sand and wave deflection structure that protected inland properties during storms. Mr. Mariani, the adjacent rear property owner at 27 Calle del Sierra (AP 195-163-13), is opposed to the canvas storage shed because it would not match the character of the surrounding community. Mr. Dwares, the adjacent north side property owner at 22 Calle del Pradero (AP 195-163-22) supports the project as proposed.

PLAN CONSISTENCY:

The project would be consistent with the goals and policies of the Marin Countywide Plan and the Marin County Local Coastal Program, Unit I because it involves the renovation of the existing residence and a small addition with no adverse impacts to coastal resources. The project would be consistent with zoning codes (Title 22, Interim) because it is the renovation of an existing single-family residence, a permitted use, that would not substantially increase encroachments into the front and side yards. The project would result in minimal public view impacts with no changes to the height of the residence and the adjacent inland property owner, Mr. Dwares, supports the project. Therefore, the project would be consistent with the goals and policies of the Marin Countywide Plan, the Stinson Beach Community Plan, and the Local Coastal Program, Unit I. Please refer to the recommended resolution for detailed findings.

PROJECT ANALYSIS:

Background

The 2,400 square foot subject property is located approximately 250 feet inland from the Pacific Ocean on the sand in the Stinson Beach community. The property consists of Lot 8 in the Charles Robinson Tract, Subdivision One that was recorded in 1913. The 2,400 square foot lot is less than the current 7,500 square foot minimum of the C-R2 zoning district. In 1939, an approximately 396 square foot cabin was constructed on the property, based on County Assessor's records. The existing residence is the second residence inland from the beach and was built on grade with a 1-foot setback from the front property line and a 2.5-foot setback from the north side property line. In 1990, an electrical service change permit was obtained with an approved Building Permit [No. 46716 \(refer to Attachment 21\)](#). The existing residence is set back 1-foot from the front property line, and 2.5 feet from the north side property line where the current zoning standards are 25 feet and 6 feet respectively (refer to Attachments [53-??](#), and [??](#)).

The adjacent properties are residentially developed, with most of the residences being older vintage one-story cabins built on grade. The residence across the street, and a few other residences in the vicinity that are near the beach, were built after 1982 in conformance with the federal flood zone height requirements established by the Federal Emergency Management Agency (FEMA). The FEMA V5 Flood Zone height requirements for these beachfront properties require a Base Flood Elevation of 23.0 feet National Geodetic Vertical Datum (NGVD). Consequently, the first floors of these newer residences are approximately 13 feet above grade and the understorey was constructed with breakaway walls and limited to storage uses.

The proposed renovations and additions to the structure would be located within the V5 Flood Zone, therefore if the improvement value exceed 50% of the value of the existing structure, the entire structure must comply with the 23.0 feet NGVD Base Flood Elevation. Because the value of the proposed structure would be 38% of the value of the existing residence, it does not need to be raised to comply with the FEMA flood regulations (refer to Attachments [17-??](#) and [20??](#)). The applicant does not propose raising the elevation of the residence and the height would remain the same as the current residence with this proposal.

Variance Findings

A variance to zoning standards can be approved for development on properties that exhibit special physical attributes in comparison to neighboring properties including size, shape, topography, location, or surroundings. The subject property consists of one historic subdivision lot that is 30 feet wide and 80 feet deep, with 2,400 square feet of land area. The small width is a special and somewhat unique attribute of the property in comparison to other lot widths in the neighborhood that predominately consist of multiple historic subdivision lots. The average lot width in the neighborhood is 65 feet. The lot size is substandard with respect to the zoning standard of 7,500 square feet minimum lot area and is special in comparison to the average lot size in the neighborhood of approximately 5,100 square feet. The subject property is also located within a flood zone subject to potential wave action due to its location one property inland of the beach. Eight front and side yard encroachment Variances have been approved in the area (the surrounding three blocks) to allow improvements on small lots to allow encroachment into the standard yard areas. The proposed variances for encroachments into the front and side yards would be reasonable to allow the property owner a property right enjoyed in the vicinity without being a grant of special privilege. The existing residence was built within the front and side yard in 1939 and the project would not increase

encroachment into the front yard, and would add a small addition in the north side yard with the same 2.5-foot property line setback as the existing residence currently has.

Parking Exception

The applicant proposed two on-site parking spaces in tandem with the initial application submittal. However, because a portion of the interior parking space was proposed partially over the septic tank, the Stinson Beach County Water District could not support that proposal. Consequently, after consultation with Dave Nicholson in the Department of Public Works, a revised proposal was submitted with one one-site parking space and one guest parking space along the frontage of the property. The Department of Public Works reviewed and approved the revised parking proposal with one on-site parking space for the small single-family residence.

Visual Effects

The project would result in the construction of approximately 20 square feet of additional floor area for a new replacement bathroom in the northwest corner of the residence. The maximum height proposed would be 11.5 feet and would comply with the maximum 25-foot height standard in the Coastal Zone. The 120 square foot canvas storage shed in the back yard would be less than 10 feet tall and would result in no substantial visual effects to the surrounding area. Staff finds that the location and design of the addition and renovations to the residence with the same height as the existing residence would not result in substantial visual impacts to neighbors.

Biological Resources

The project site has been developed with a residence in the same location where the project is proposed since 1939. The construction of the small addition to the residence, and the large deck in the back yard, would not appreciably affect biological resources on site. While sensitive and endangered plant and animal species are known to reside in the vicinity in more undisturbed habitat areas, the project would not have direct impacts on these species.

However, staff recommends Condition of Approval 5a to reduce the deck area by approximately 271 square feet for a maximum deck area of 1,000 square feet, and Condition of Approval 5b to plant ~~it is recommended~~ additional native landscaping in the rear yard could be planted and perhaps the amount of deck area reduced to allow for more native landscaping on to restore the property restoring some habitat values.

Public Comments

Neighbors and Stinson Beach residents have submitted written comments regarding the project. The primary comments are regarding the parking exception, the canvas storage shed, and removal of the fence that provided some wave, sand, and debris protection to inland properties during major storm events.

CONCLUSION:

The subject property is very constrained by the small lot area and width in relationship to the current zoning standard and average lot sizes in the neighborhood. Staff finds that the proposed design would adequately protect neighborhood character and coastal resources as modified by conditions of approval to reduce the deck to a maximum of 1,000 square feet and to plant more native plants. The location and design of the residential structure would be out of primary view corridors and would have

a design with a modest roof slope that would match the historic style of cabins built in the 1930s and 1940s neighborhood.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the Petersen Coastal Permit and Variance based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution recommending approval with conditions of the Petersen Coastal Permit.
 2. Environmental Document
 3. Location Map
 4. Assessor's Parcel Map
 5. Site Plan
 - ~~8-6.~~ Floor Plan
 - ~~7.~~ East Elevation
 - ~~7-8.~~ West Elevation
 - ~~8-9.~~ North Elevation
 - ~~9-10.~~ South Elevation
 - ~~11.~~ Rich Souza, Stinson Beach County Water District e-mail, 5/7/08 and letter 1/14/08
 - ~~10-12.~~ Gina Rulon-Miller and staff e-mails, 5/5/08, 5/6/08, and ??
 - ~~11-13.~~ Mark A. Mariani letter, 5/1/08
 - ~~14.~~ Peter Dwares e-mail, 4/30/08
 - ~~12.~~ Stinson Beach County Water District e-mail and letters, 5/7/08 and ??
 - ~~22-15.~~ Department of Public Works memorandum, 3/12/08~~9/22/06~~
 - ~~16.~~ Rebecca Katkin transmittal, 3/5/08
 - ~~17.~~ Workhorse Construction Cost Estimate, 2/26/08
 - ~~18.~~ Larry Grace e-mails, 2/26/08
 - ~~19.~~ Stinson Beach Fire Protection District letter, 1/16/08
 - ~~20.~~ Appraisal Report, 10/16/07
 - ~~14-21.~~ Building Permit 46716
 - ~~22.~~ Judy Tranchi letter, 12/3/07
 - ~~23.~~ Virginia Rulon-Miller letter, 11/11/07
 - ~~24.~~ Peter Dwares letter, 10/30/07
 - ~~25.~~ Donna and Terry Bryant letter, 11/5/07
 - ~~26.~~ Jerry and Susan Knight letter, 11/9/07
 - ~~27.~~ Keith Abey Structural Engineer letter, 11/16/07

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION

A RESOLUTION APPROVING THE PETERSEN COASTAL PERMIT and VARIANCE

ASSESSOR'S PARCEL 195-163-09

26 CALLE DEL PRADERO, STINSON BEACH

SECTION 1: FINDINGS

- I. WHEREAS, Rebecca Katkin and Eric Robinson of Melander Architects submitted Coastal Permit and Variance applications, on behalf of Leif Petersen and Debbie McGuire-Petersen, proposing to legalize as-built improvements to an existing 396 square foot single-family residence, construction of a 120 square foot canvas storage shed, and partial construction of a 1,271 square foot deck in the rear yard above the septic system tank and leach field. The proposal includes additional renovation of the residence to comply with current Building Codes including minimum ceiling heights, completion of the deck, and construction of a new replacement bathroom. The total floor area proposed would be 536 square feet on the 2,400 square foot property resulting in a floor area ratio of 22.3%. The residence would have a maximum height of 11.5 feet above grade and the following setbacks to the nearest corresponding property lines: 1 foot front (east), 2.5 feet side (north), 14.75 feet side (south), and 40.5 feet rear (west). The canvas storage shed is estimated to have a maximum height of approximately 10 feet above grade and the following setbacks to the nearest corresponding property lines: 51 foot front (east), 14 feet side (north), 6 feet side (south), and 16.75 feet rear (west). The deck would be approximately 1.25 feet above grade with the following setbacks to the nearest corresponding property lines: 16.5 foot front (east), 0.5 feet side (north), 0 feet side (south), and 2 feet rear (west). Two on-site parking spaces are proposed in tandem with a 5 square foot portion of the interior parking space located above the septic tank. One guest parking space is proposed along the frontage of the property in the Calle del Pradero right-of-way. The subject property is located at 26 Calle del Pradero, Stinson Beach, further identified as Assessor's Parcel 195-163-09.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 15, 2008, 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 Section 153031, Class 1(e)(1) of the CEQA Guidelines because it entails the renovation of, and a small addition to, an existing single-family residence that would not result in significant habitat disturbance, grading, or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:

- A. The proposed project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;
 - B. The proposed project would result in the construction of additions and improvements to an existing single-family residence, a principally permitted use under the governing CMF-2 general plan designation;
 - C. The proposed project would result in development which conforms to the governing standards related to building height, size and location;
 - D. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
 - E. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Stinson Beach Community Plan because:
- A. The proposed project involves construction of additions and improvements to a single-family residence, which is a principally permitted use on the property.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - D. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below.
- A. Water Supply:

The Stinson Beach County Water District has reviewed and recommended approval of the proposed project.

B. Septic System Standards:

The Stinson Beach County Water District regulates individual sewage disposal systems in the area of the subject property and determined the project in conformance with the septic system standards.

C. Grading and Excavation:

The subject property is a level site and will not require grading. Minor excavation would occur for construction of piers to support the deck. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. The redevelopment of the site would not be likely to disturb cultural resources. Project approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The project is located approximately 250 feet inland of the Pacific Ocean at an elevation of approximately 10 feet above mean sea level and would not impede coastal access because all development would be on the subject property and outside any access easements.

F. Housing:

The proposed project would not result in the removal of a residential building that provides housing opportunities for people of low or moderate income, and would not affect the availability of housing stock within the Stinson Beach community.

G. Stream Conservation Protection:

The project site is located approximately 320 feet from Easkoot Creek and associated riparian vegetation and would comply with the streamside, wetland, and riparian vegetation conservation policies of the Marin Countywide Plan, Local Coastal Program, and Marin County Code. All proposed developments would be outside the 100-foot streamside and wetland conservation area.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for special status species. However, Monarch Butterfly (*Danaus plexippus*) is known to reside in trees in Stinson Beach. The project site does not contain any trees and does not provide suitable habitat for the Monarch Butterfly. The project will have a minimal impact to the habitat value of the site because it involves the construction of additions and improvements to an existing single-family residence within the disturbed areas on the site.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat area for rare or special status species including the listed federally endangered Showy Indian Clover (*Trifolium amoenum*), and unlisted Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbei's sedge (*Carex lyngbyei*), and Dune Gilia (*Gilia capitata ssp. chamissonis*). The habitat value of the proposed development site for these plants is low because it is currently developed with a single-family residence. The relatively small-scale project within the developed property will not have an adverse impact on the habitat or individual plants.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is located within 1/4-mile of the San Andreas Earthquake Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The project site is 200 feet from the Pacific Ocean and with an elevation of 10 feet would be subject to Tsunami from earthquake in the Pacific region. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or public utility services.

N. Land Division Standards:

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

O. Visual Resources:

The height of the residence would not result in adverse visual effects because the 11.5-foot height is at a low elevation that would be below the line of sight to the Pacific Ocean. The residence would not block substantial views from State Route One or Calle del Arroyo. The exterior materials would be unobtrusive cedar wood and gray trim colors. The exterior lighting would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is not governed by VCR (Village Commercial Residential) zoning regulations, that would allow for a mixture of residential and commercial uses, and the project would have no affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The subject property is not historically significant and the project site is not located within the designated historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is inconsistent with the mandatory findings to approve a Variance (Section 22.86.025.4 of the Marin County Code) as specified below.

A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under an identical zoning district.

This finding can be made affirmatively because the subject property is comprised of one historic subdivision lot with a total land area of 2,400 square feet. Although the zoning district standard is 7,500 square feet minimum lot area, a comparison of 15 neighboring properties indicates that the average lot size is 5,120 square feet and the subject property is 2,720 square feet smaller than the average lot size. Consequently the subject property is unusually small in comparison to the average size of the neighboring properties. Additionally, the rectangular shape and overall dimensions of the subject property are not small in comparison to the neighboring properties. The average lot width is 65 feet and the average lot depth is 79 feet. The subject property has a 30-foot width that is 35 feet narrower than the average lot width, and the lot depth is 80 feet. The area and property dimensions of the subject property are smaller in comparison to the 15 neighboring properties and therefore it does have special physical circumstances that deprive the property of privileges enjoyed by other properties in the vicinity regarding front and side yard areas. The property has unique physical attributes that create a hardship for development in conformance with the yard regulations in the C-R2 zoning district.

The subject property is located within a flood zone subject to potential wave action due to its beachfront location on the seaward side of the Stinson Beach community. This physical circumstance could create a hardship for compliance with the height and yard standards in combination with the base flood elevation of the Federal Emergency Management Agency (FEMA) V-5 Flood Zone.

- B. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.

This finding can be made affirmatively. The Stinson Beach County Water District determined that the additions and renovations to the existing residence would be in compliance with District requirements. The Department of Public Works determined that the small lot size and existing location of the residence and septic system preclude requiring the standard two on-site parking spaces, and that one on-site parking space and one guest space along the frontage and within the Calle del Pradero road right-of-way would be adequate. The proposed project would not be detrimental to public health, safety and welfare.

- C. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.

This finding can be made affirmatively because the granting of a Variance for a property with the requisite special physical circumstances would not be considered the grant of a special privilege as stated in Section A above. Other properties in the neighborhood in the identical C-R2 zoning district have been granted similar front and side yard encroachment Variances because those properties exhibited unique physical attributes such as small lot size and small lot dimensions in comparison to the other properties in the Stinson Beach neighborhood. The subject property does have a smaller width and land area in comparison to the average sizes in the neighborhood. The subject property is 2,720 square feet smaller than the average lot size and the lot width is 30 feet smaller than the average lot width. Consequently, the grant of Variance for encroachments in to the front (25 feet) and side (6 feet) yard areas would not constitute a grant of special privilege.

- D. The granting of a Variance for the property does not authorize a use or activity that is not otherwise expressly authorized by the particular zoning district regulations governing such property.

The granting of a Variance to allow the construction of an addition to, and renovation of, a single-family residence that would encroach into the minimum yard areas required in the C-R2 zoning district would authorize a residential use that is principally permitted under the governing zoning.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Petersen Coastal Permit and Variance application subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I and 22.86.025I this Coastal Permit and Variance approval permits the legalization of as-built improvements to an existing 396 square foot single-family residence, construction of a 120 square foot canvas storage shed, and partial construction of a 650 square foot deck in the rear yard above the septic system tank and leach field. The approval permits additional renovation of the residence to comply with current Building Codes including minimum ceiling heights, completion of the deck (1,000 square feet maximum size), and construction of a new replacement bathroom. The approval permits a total floor area of 536 square feet on the 2,400 square foot property and a floor area ratio of 22.3%. The approval permit the residence with a maximum height of 11.5 feet above grade and the following setbacks to the nearest corresponding property lines: 1 foot front (east), 2.5 feet side (north), 14.75 feet side (south), and 40.5 feet rear (west). The approval permits the canvas storage shed with a maximum height of 10 feet above grade and the following setbacks to the nearest corresponding property lines: 51 foot front (east), 14 feet side (north), 6 feet side (south), and 16.75 feet rear (west). The approval permits a 1,000 square foot deck approximately 1.25 feet above grade with the following setbacks to the nearest corresponding property lines: 16.5 foot front (east), 0.5 feet side (north), 0 feet side (south), and 16 feet rear (west). The approval permits one one-site parking space and one guest parking space along the frontage of the property in the Calle del Pradero right-of-way. The subject property is located at 26 Calle del Pradero, Stinson Beach, and is further identified as Assessor's Parcel 195-163-09.
2. Except as modified herein, plans submitted for a building permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Petersen Residence Remodel, 26 Calle del Pradero, Stinson Beach CA 94970 APN 195-163-09" consisting of 10 sheets prepared by melander architects inc., and L.A. Stevens & Associates, Inc., Professional Land Surveyors, date stamped received March 6, 2008.
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 Coastal Permit and Variance Conditions of Approval as notes.
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 because of loss experienced by geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans for the Planning Division file that shall be labeled "Revised Exhibit A" and supersede "Exhibit A", after review and approval by the Director. The revised plans shall indicate:
 - a. A revised site plan with the deck areas reduced approximately 271 square feet to a maximum of 1,000 square feet and with a minimum setback of 16 feet from the rear property line.

- b. A Landscape Plan consisting of predominately native dune plants indigenous to Stinson Beach to soften the visual appearance of the residence, deck area, and canvas storage shed, and to stabilize the sand.

- | ~~7.6.~~ BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met.
- | ~~8.7.~~ 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 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.
8. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front, rear, and side property lines 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.
- | ~~10.9.~~ 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 Remodeling Green Building Residential Design Guidelines.
- | ~~11.10.~~ BEFORE FINAL INSPECTION, the applicant shall install all proposed and required landscaping and a drip irrigation system to serve it. The applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met. The applicant shall call for a Community Development Agency, Planning Division inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent re-inspections
- | ~~15.11.~~ All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be downward directed and hooded.
- | ~~16.12.~~ 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.

- | 17.13. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
- | 18.14. All soil areas disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
- | 19.15. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street/driveway so that pedestrians and vehicles can pass safely at all times.
- | 20.16. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
- | 21.17. If any archaeological resources are discovered during trenching or construction work, all work at the site shall stop and the applicant shall contact the Environmental Coordinator in the Community Development Agency, Planning Division. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Environmental Coordinator advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Environmental Coordinator. All future development of the site must be consistent with the findings and recommendations of the archaeological report as approved by the Environmental Coordinator. If the report identifies significant resources, amendment of the permit may be required to implement mitigation to protect resources.
- | 23.18. Any new utilities proposed to serve the approved project shall be underground.
- | 24.19. 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 an addition and remodeling to an existing single-family residence for which action is brought within the applicable statute of limitations.
- | 25.20. 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.

Department of Public Works, Land Use and Water Resources

21. The project is in a Special Flood Hazard Area, Zone-V5, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 060173-0419 revised March 1, 1982). The County has determined the Base Flood Elevation to be 23-feet NGVD-1929. According to the submitted Cost Estimate and Appraisal the ratio of improvement costs to the depreciated value of the structure is 38% and therefore does not constitute substantial improvements". As a result, the structure will not need to be raised above the FEMA Base Flood Elevation (BFE).

29.22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:

a. Provide documentation for the approval of parking over the septic system by the Stinson Beach Community Services District (SBCSD). If the SBCSD does not allow parking over the septic system, DPW will allow one on-site parking space. Note that parking spaces fronting properties within a right-of-way shall not be dedicated to any one parcel.

~~Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15~~

b. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

c. Provide a drainage plan for the project.

d. Propane tanks shall be securely anchored to resist flotation or lateral movement.

Upon completion of the construction and BEFORE FINAL INSPECTION FOR THE BUILDING PERMIT, DPW Land Development shall conduct an inspection to verify compliance and accuracy to the initial cost estimate. If the improvements are not within the approved cost estimate and if the final improvement costs exceed 50% of the appraised depreciated value of the structure, the entire structure shall be elevated so that the lowest horizontal member is at or above the BFE. If the structure is required to be raised, the design parameters pursuant to MCC §23.09 shall be implemented as stated in Merit Items "a" thru "f" below-

23. :

a. New construction within the Zone-V5 shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system in accordance with FEMA Technical Bulletin 5-93. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Upon completion of construction and prior to final inspection by the Building and Safety Division, a registered professional engineer or architect shall certify to the county that the design and methods of construction to be used are in accordance with these requirements.

b. Per MCC §23.09.039, all new construction in coastal high hazard area shall have the lowest horizontal portion of the structural members of the lowest floor (excluding pilings or columns) elevated to or above the base flood elevation. Show on plans how project complies with this requirement. Per MCC §23.09.039, fill shall not be used for structural support of buildings in coastal high hazard areas. Provide existing topography on site plan and cross section through building indicating how building will be constructed.

c. Provide information on the plans showing that all electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulation within the components during conditions of flooding, especially any underneath the floor joist elevation in Zone-V5.

d. All new construction within Zone-V5 that are elevated on pilings or columns shall be constructed so that the pile or column foundations and the structure attached thereto are

anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components. Prior to issuance of building permit, a registered professional engineer or architect shall review the structural design, specifications, and plans for the construction, and shall certify to the County that the design and methods of construction to be used are in accordance with these requirements.

- e. All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a registered civil engineer or architect. Provide calculations and details showing how the enclosed area floor is designed to automatically equalize hydrostatic flood forces (venting requirement is 1 square inch per 1 square foot, venting height maximum is 1 foot above grade).
- f. Upon completion of construction and prior to final inspection, submit certification by a registered engineer or architect that the structure complies with Marin County Code §23.09, Floodplain Management.

~~b. Upon completion of construction and prior to final inspection, a FEMA elevation certificate, prepared by a registered civil engineer, licensed architect, or licensed land surveyor, shall be submitted to the Department of Public Works.~~

~~Stinson Beach County Water District~~

~~22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill all of the requirements of the District and obtain a septic system permit.~~

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Petersen Coastal Permit and Variance approval by securing a Building Permit and substantially completing all of the approved work before May 15, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

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 Coastal Permit and Variance approval (and no extensions have been granted), the Building Permit and Coastal Permit and Variance 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 Coastal Permit and Variance at least 10 days before the expiration of the Coastal Permit and Variance.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on May 22, 2008.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of May 2008.

JEREMY TEJIRIAN, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans

Deputy Zoning Administrator Secretary