



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 ALEX HINDS, DIRECTOR

<b>STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR</b>			
<b>GUILE COASTAL PERMIT AND DESIGN REVIEW</b>			
Item No:	H3.	Application No:	CP 09-37 and DR 09-70
Applicant:	McPhail Construction	Owner:	Bruce Guile and Alexandra Buckner
Property Address:	380 Belvedere Ave., Stinson Beach	Assessor's Parcel:	199-221-20
Hearing Date:	October 1, 2009	Planner:	Veronica Corella- Pearson
	<b>RECOMMENDATION:</b>		<b>Approved with Conditions</b>
	<b>APPEAL PERIOD:</b>		<b>5 working days to the Planning Commission</b>
	<b>LAST DATE FOR ACTION:</b>		<b>October 24, 2009</b>

**PROJECT DESCRIPTION:**

The applicant, JW McPhail Construction, has applied on behalf of the owners, Bruce Guile and Alexandra Buckner, for approval for the demolition of an existing residence and construction of a new residence, and a guest house. The existing residence is 2,971 square feet in size. The proposed new residence would be 3,493 square feet in size and the guest house would be 1,262 square feet in size with a 523 square foot garage, resulting in a floor area ratio of 21%. The residence and guest house would maintain the following setbacks: front (west) 30 feet, side (north and south) 15 feet, and rear (west) 25 feet. The residence would attain a maximum height of 17 feet from grade, and the guest house would attain a height of 15 feet from grade. Both structures would be finished in pre-patinated copper paneling, red zinc paneling, tan colored cement fiber board, and metal clad windows in bronze. The project also entails the removal of non-native trees and brush, retiring the existing driveway, construction of a new driveway with retaining walls up to 6 feet, and new hardscape and landscaping. The applicant is proposing to place a photovoltaic system, roof terrace, and planted roof on the various levels of the structures, and a pool and spa would be located to the rear (west) of the guest house.

**GENERAL INFORMATION:**

Countywide Plan: C-SF4 (Coastal, Single-family, 20,000 square feet - 1 acre  
minimum lot area, 2-4 units/acre)

Zoning: C-R1:B3 (Coastal, Single-family Residential, 20,000 square feet  
minimum lot area)

Lot size: 22,903 square feet

Adjacent Land Uses: Residential

Vegetation: Non-native shrubs, grasses, and trees

Topography and Slope: Moderate to gently sloping lot  
Environmental Hazards: None identified

### **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a single family residence on a developed lot, which would be located within the footprint of the existing residence and would not result in adverse impacts to sensitive species (see Attachment 10).

### **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 600 feet of the subject property. To date, no comments have been received.

### **PLAN CONSISTENCY:**

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Stinson Beach Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

### **PROJECT ANALYSIS:**

The project site is developed with a 3,596 square foot two bedroom, three bath residence that has a studio and two car garage, and attains a height of 25 feet. The site is vegetated with nonnative trees, shrubs and grasses. The property is located at the end of Belvedere Avenue in Stinson Beach and is adjacent to the Golden Gate National Recreation Area. The homes adjacent to the subject parcel are diverse in size, from approximately 1,382 square feet to 5,201 square feet in size, with a Floor Area Ratio (FAR) between 6% to 22%. The proposed project would have a total floor area of 5,523 with a FAR of 21%, and would attain a height of 17 feet above grade.

#### *Site Analysis and Building Design*

The proposed new residence would be located within the area of the existing residence. There would be two structures on site, the main residence (labeled the east wing) and the guest house (labeled west wing). The main residence would be the main residence and would attain a height of 17 feet as measured from natural and finished grade, therefore in conformance with the maximum height requirement of the Stinson Beach Highlands requirements. The existing driveway would be retired and a new driveway would be constructed near the southwestern corner of the property, which would improve parking and ingress and egress per DPW and Marin County Fire requirements.

The project would be located within an area that has diversity in architectural design and home sizes. Staff has used the Marin County Single-family Design Guidelines to evaluate the proposed project. The project minimizes the amount of vegetation removal and grading by locating the new residence within the footprint of the existing residence. It also incorporates a number of green design features, such as solar panel roofing, a living roof on the garage, and would meet the Green Building Rating of "Gold." The applicant has provided a landscape plan that incorporates a large number of California native plants and has proposed to retain majority of the shrubbery

along the property lines, which aid in preserving privacy and concealing the structures. The residence and guest house would be finished in copper and zinc, which would be treated to have a weathered finish. The applicant is also proposing cement fiber board siding in an off-white color. The Single-family Design Guidelines do encourage color schemes that blend with the natural landscape and encourage earth-tones. Staff finds that the proposed colors and materials will be appropriate for the location and are in keeping with the eclectic character of the community. Further, the residence will have minimal visibility to the public and will be partially screened by vegetation.

### *Biological Resources*

A site assessment was conducted by Huffman-Broadway Group. The proposed project was reviewed for listed species in the California Natural Diversity Database. A list of special status species that have the potential for occurrence on the subject property was compiled and a site visit was conducted to determine if there was suitable habitat present. It was found that none of the animal species have potential for occurrence based on the habitat requirements of the species and a field review of habitats present at the site and the immediate vicinity, and an evaluation of the suitability of on-site habitats to support these species. There are a number of special status plant species that are known to occur within the community of Stinson Beach, yet although these species have at some time been known to occur within the area of Stinson Beach, the vegetation on the property is entirely non-native landscape or ornamental species and does not provide habitat for special status plant species.

### *Infrastructure*

The subject property is currently being served by the Stinson Beach Community Services District. The owner received approval by the District in December of 2008, and staff was contacted on June 29, 2009 confirming the approval. On September 14, 2009, the District indicated that pursuant to their requirements, the area shown on plans as the "work room," and as "un-conditioned floor area," may now be considered by the District to be "conditioned floor area," and that the District is reevaluating their approval.

## **CONCLUSION**

Overall, staff finds that the proposed single-family residence is in keeping with the local community character. No impacts to listed species would occur from the project, and the project would be designed to incorporate a number of green building design features that reduce its energy reliance. The proposed residence has also been sited to not adversely affect views, light or privacy of adjoining properties. Further, the landscape design would provide future wildlife habitat, and would meet the requirement for the fire district. Staff has also determined that if the project is reduced in size to meet the requirements of the Stinson Beach Community District, it would not substantially conflict with a recommendation for approval or with a determination that the project is consistent with the Marin County Community Plan and Stinson Beach Community plan and is in conformance with the required findings for Design Review and Coastal Permit approval.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Guile Coastal Permit and Design Review.

## Attachments:

1. Proposed Resolution recommending approval of the Guile Coastal Permit (CP 09-37) and Design Review (DR 09-70)
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Plans Sheets, 29 pages
6. Stinson Beach Water District, email sent 9/14/09
7. Stinson Beach County Water District, Resolution No. WW-2008-07
8. Department of Public Works, Land Development, memorandum dated 8/5/09
9. Vegetation Management Plan, received 7/11/09
10. Biological Assessment, prepared by Huffman-Broadway Group, dated 7/10/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING THE GUILLE COASTAL PERMIT (CP 09-37) AND  
DESIGN REVIEW (DR 09-70)  
ASSESSOR'S PARCEL 195-121-11  
380 BELVEDERE AVENUE, STINSON BEACH

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**SECTION I: FINDINGS**

- I. WHEREAS, the applicant, JW McPhail Construction, has applied on behalf of the owners, Bruce Guile and Alexandra Buckner, for approval for the demolition of an existing residence and construction of a new residence, and a guest house. The existing residence is 2,971 square feet in size. The proposed new residence would be 3,493 square feet in size and the guest house would be 1,262 square feet in size with a 523 square foot garage, resulting in a floor area ratio of 21%. The residence and guest house would maintain the following setbacks: front (west) 30 feet, side (north and south) 15 feet, and rear (west) 25 feet. The residence would attain a maximum height of 17 feet from grade, and the guest house would attain a height of 15 feet from grade. Both structures would be finished in pre-patinated copper paneling, red zinc paneling, off-white cement fiber board and metal clad windows in bronze. The project also entails the removal of non-native trees and brush, retiring the existing driveway, construction of a new driveway with retaining walls up to 6 feet, and new hardscape and landscaping. The applicant is proposing to place a photovoltaic system, roof terrace, and planted roof on the various levels of the structures, and a pool and spa would be located to the rear (west) of the guest house. The subject property is located at 380 Belvedere Avenue, Stinson Beach, and is further identified as Assessor's Parcel 195-121-11.
  
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on October 1, 2009 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 15303, Class 3 because it entails construction of a single family residence on a developed lot, which will be located within the footprint of the existing residence and will not result in adverse impacts to sensitive species.
  
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
  - A. The project complies with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
  
  - B. The project complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).

- C. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
  - D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on other lands adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).
  - E. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
  - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
  - G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
  - H. The project design and improvements ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - I. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
  - J. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Stinson Beach Community Plan due to the following factors.
- A. The project involves the construction of a new single-family residence, guest house and garage, and retaining walls, which are a principally permitted use under the governing C-R1-B3 zoning district.
  - B. The project would not impact sensitive habitats or listed species.
  - C. The project meets the maximum height limit for Stinson Beach Highlands at 17 feet above grade and is in keeping with the community character.
  - D. The proposed new residence would replace an existing residence that is currently be served by the Stinson Beach Water District and as conditioned would be required to provide verification that they have received project approval, prior to issuance of a building permit.
  - E. The project would not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.

F. The project complies with the Marin Countywide Plan as discussed in Section IV above.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of Marin County Code) as specified below.

A. Water Supply:

The proposed project will result in the demolition of an existing single-family residence and the construction of a new single family residence on a lot that is already served by the Stinson Beach County Water District. Therefore, the project site already has a viable water source, and a condition of approval has been added that requires the applicant to provide written approval from the Stinson Beach County Water District prior to issuance of a building permit.

B. Septic System Standards:

The proposed new single-family residence would be served by a private septic system. This system requires the approval of Stinson Beach County Water District prior to issuance of a building permit.

C. Grading and Excavation:

The proposed project consists of the construction of a new single-family residence in the same general location as an existing single-family residence on a level site, therefore the structure will require minimal grading.

D. Archaeological Resources:

The proposed project is located within an area of high archaeological sensitivity. Yet, due to the site being already disturbed, it is unlikely that archeological resources exist on the property. The standard conditions of approval have been applied to the project which will require that in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The subject property is located over 2,000 feet from the shoreline, and shows no evidence of historical use by the public.

F. Housing:

The proposed project will replace an existing single-family residence and will have no impact upon the availability of affordable housing stock within the Stinson Beach community.

G. Stream and Wetland Resource Protection:

The proposed residence is not located within the vicinity of any streams or wetlands, and will therefore not have any impact upon nearby streams or wetland resources.

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:

A search of the California Natural Diversity Data Base, for special status species with potential to occur within the vicinity. The following species were evaluated for their potential to be present on the subject property: Townsend's big eared bat, Black swift, Loggerhead shrike, Saltmarsh common yellowthroat, tri-colored black bird, Point Reyes mountain beaver, Cooper's Haw, American peregrine falcone, Merlin, California clapper rail, California black rail, Western snowy plover, Foothill yellow legged frog, Western pond turtle, Great egret, Great blue heron, Northern harrier, White tailed kite, Ricksecker's water scavenger beetle, Sandy beach tiger beetle, Monarch butterfly, Coho salmon, and Steelhead. A Biological Assessment was provided and a site visit was conducted and it was found that none of the above listed species have potential to occur on the site, and that the project would not impact wildlife or their habitat.

J. Protection of Native Plant Communities:

A list of the special status plants with potential to occur on the property was developed from the California Department of Fish and Game's Natural Diversity Data Base. The following species were evaluated for their potential to be present on the subject property: Tiburon paint brush, blue coast gilia, Lyngbye's sedge, Marin checkerbloom, Marin checker lily, coastal marsh milk-vetch, Showy Rancharia clover, and Point Reyes bird's beak. A biological assessment was prepared, and surveys were conducted that concluded that although these species have at some time been know to occur within the area of Stinson Beach, the vegetation on the property is entirely non-native landscape or ornamental species and does not provide habitat for special status plant species, and all of the above mentioned species require habitat conditions that are not found on the property.

K. Shoreline Protection:

The subject property is not located near the shoreline.

L. Geologic Hazards:

This finding is not applicable because the subject property is not located in an area of geologic hazards as indicated on Geologic Hazard Maps for Unit I of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo special Studies Zone Map.

M. Public Works Projects:

The proposed project has been reviewed by the Department of Public Works, and it was determined that the project as proposed and as conditioned is acceptable.



N. Land Division Standards:

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

No adverse impact to visual resources would result from construction of the project. The proposed residence is not located in a significant public view corridor along the beach and the height and design of the structure is in keeping with the requirements of the zoning district and development standards for the Stinson Beach Highlands.

P. Recreation/Visitor Facilities:

The project is not located within the C-VCR zoning district and the replacement of an existing residence with a new residence would not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation:

The project site does not contain any historic structures and is located outside of the historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program, Unit 1.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review (Section 22.82.040I of the Marin County Code), which are made below:

**A. The proposed development is consistent with the Marin Countywide Plan and any applicable community plan and local coastal program:**

As noted in Section IV and V above, the project complies with all policies of the CWP and the findings required for Coastal Permit Application, and the Stinson Beach Community Plan which encourages diversity in lot size and architecture.

**B. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the new residence and accessory structures would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development.

**C. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project has been designed to be in the general location of the existing residence, proposes new landscaping, and will retain much of the existing vegetation along the property lines to preserve privacy.

- D. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is located entirely within the subject parcel and as conditioned would not result in development that would impact future improvements to the surrounding properties.

- E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The proposed project would plant California native plants and would remove non-native vegetation as necessary, and proposes construction which would meet the "Gold" rating under the New Home Green Building Residential Design Guidelines.

- F. The project will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

**1. The area, heights, mass, materials, and scale of structures;**

The project incorporates articulations, colors and materials that reduce the visual bulk of the residence. It has also been designed to meet all height standards of the LCP, Unit 1, and Title 22I.

**2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works and is approvable as conditioned.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The residence will be located within the footprint of the existing structure, and would require a minimal amount of grading for the new driveway. The retaining walls proposed would be partially concealed with vegetation and would gradually increase in size to reach a maximum height of 6 feet and would not result in a minimal amount of site disturbance

**4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and**

The proposed project has been reviewed by DPW to ensure that no work would be located in the road rights-of-way that could not be approved, or other improvements that would affect the circulation of persons. The property is currently fenced, and the applicant proposes to retain majority of the fencing and replace only the front (west) fencing with a four-foot tall metal fencing, which would allow for the circulation of animals.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in construction of a residence that would meet all setback requirements and would not result in the elimination of significant sun and light exposure to adjacent residences. Further, the property is at the end of Belvedere Avenue, and has no adjacent neighbors to the north, and those to the west, east and south would not have their views impacted from the project.

**G. The project contains features such as roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The applicant is proposing construction that would meet the Green Building Rating of "Gold," and the project would be required to meet Title 24 and Ordinance 3492.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Guile Coastal Permit (CP 09-37) and Design Review (DR 09-70) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Guile Coastal Permit and Design Review is approved for the demolition of an existing residence and construction of a new residence, and a guest house. The approved new residence will be 3,493 square feet in size and the guest house will be 1,262 square feet in size with a 523 square foot garage, resulting in a floor area ratio of 21%. The residence and guest house will maintain the following setbacks: front (west) 30 feet, side (north and south) 15 feet, and rear (west) 25 feet. The residence will attain a maximum height of 17 feet from grade, and the guest house will attain a height of 15 feet from grade. Both structures will be finished in pre-patinated copper paneling, red zinc paneling, off-white cement fiber board and metal clad windows in bronze. Also approved is the removal of non-native trees and brush, retiring the existing driveway, construction of a new driveway with retaining walls up to 6 feet, and new hardscape and landscaping. The project also entails the placement of a photovoltaic system, roof terrace, and planted roof on the various levels of the structures, and a pool and spa that will be located to the rear (west) of the guest house. The subject property is located at 380 Belvedere Avenue, Stinson Beach, and is further identified as Assessor's Parcel 195-121-11.
2. Plans submitted for a building permit shall substantially conform to plans entitled, "Peter Guile Residence," consisting of 29 sheets, prepared by Wnuk Spurlock, received May 19, 2009, and on file in the Marin County Community Development Agency with revisions received August 19, 2009.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Guile-Buckner Residence," received May 19, 2009 by the Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.

5. 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 be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts 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.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide written verification, that the Stinson Beach County Water District has reviewed all plans and has approved the project. A copy of plans reviewed by the District must be provided to CDA-Planning Division.
7. 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 "Gold" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
8. BEFORE FINAL INSPECTION, the applicant shall install all landscaping, remove all invasive species, and install an automatic drip irrigation system. The landscaping shall be installed in conformance with Sheet 2 of the "Exhibit A." The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
9. All construction activities shall comply with the following standards:

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.
10. 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.
11. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement protection measures. Additionally, the identification and subsequent disturbance of an Indian

midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

12. 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.
13. The owners 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 Guile Coastal Permit and Design Review for which action is brought within the applicable statute of limitations.
14. 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 Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
16. 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.
17. The vehicle turnaround does not appear to allow vehicles to attain the desired direction in one turning maneuver from the garage stalls for the standard composite vehicle with a 24-ft outside turning radius. Revise the plans for the turnaround.
18. As required by MCC §24.04.285, the driveway vertical-curve transition from Belvedere Avenue edge-of-pavement shall start at least 4-feet back from the edge-of-pavement and the Belvedere Avenue cross-slope shall continue up to the transition point. As a general rule, a vertical curve transitions should not exceed a difference of 12% between the adjoining slopes over distance of 15 linear feet.
19. Based on the proposed driveway entrance plan and presented contour, retaining walls of up to 5-ft are required on both sides. Revise plans to show all site retaining wall locations and heights.
20. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
21. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.

22. Submit Erosion and Siltation Control plans.
23. Provide a drainage plan for the project. All drainage facilities shall terminate within property lines and manage on-site-generated rainfall runoff within property boundaries. Direct drainage across property lines or to within the right-of-way is prohibited. Pursuant to 2007 California Building Code (CBC), surface drainage away from foundations shall be a minimum of 5% slope for 10-ft [2007CBC §1803.3].
24. Provide a means of catchment for sheet-flow drainage down the new driveway so as to not drain directly onto Belvedere Avenue. If the proposed driveway pavers are the pervious-type, this will not be required. Note that all drainage devices/facilities and all stormwater management shall be within property lines [2007CBC-APP §J.109.4].
25. An asphalt driveway approach is required as presented. The asphalt shall extend from the Belvedere Avenue edge-of-pavement to the property line at which point a concrete band interface (minimum 6-inches wide) shall be installed between the asphalt and the pavers. The concrete band and pavers shall be within the property lines.
26. An Encroachment Permit shall be required for all work within the Belvedere Avenue right-of-way.
27. All existing and proposed retaining walls, planter boxes or the like are prohibited within the county right-of-way. All such structures shall remain within property boundaries (including footings). If DPW determines that driveway retaining walls are required to be within the right-of-way in order to adequately meet the driveway slope and vertical curve transitions, a Recorded Encroachment Permit for the structures will be required.
28. Several streets within the Stinson Beach area are being resurfaced. If Belvedere Avenue is resurfaced within 5-years of building permit issuance, no cutting of the asphalt will be allowed until the 5-year moratorium is over. Also, if within a moratorium, any excessive wear incurred on Belvedere Avenue as a result of construction activities for this project will be repaired at the property owner's expense.
29. Provide a plan for the restoration of the portion of the right-of-way at the old driveway. Include the removal of all planter boxes.

### **SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Guile Coastal Permit (CP 09-37) and Design Review (DR 09-70) approval by obtaining a Building Permit for the approved work and substantially completing all work before **October 1, 2011**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on October 8, 2009**.

**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 1st day of October, 2009.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary